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Building and Development  
Services / Public Hearings  
1112 Manatee Ave. W.  
Bradenton, FL 34205  
Phone: (941) 748-4501 ext. 6878  
www.mymanatee.org

April 8, 2014

Certified Mail # 7000 0600 0024 5577 5703

John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Blvd. Ste 100  
Pinellas Park, FL 33782

Re: Northwest Sector/Lakewood Centre Local Development Agreement

Dear Mr. Meyer:

Enclosed is a certified copy of the Local Development Agreement for Northwest Sector/Lakewood Centre which was recorded by the Clerk of the Circuit Court November 8, 2013.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,



Bobbi Roy  
Planning Coordinator

br  
Enclosure

**NORTHWEST SECTOR/LAKEWOOD CENTRE  
LOCAL DEVELOPMENT AGREEMENT**

This **LOCAL DEVELOPMENT AGREEMENT** (“Development Agreement”) is made and entered into this 7<sup>th</sup> day of November 2013, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205 (the “County”), and **SMR North 70, LLC**, a Florida Limited Liability Company, whose address is 14400 Covenant Way, Lakewood Ranch, Florida 34202 (the “Applicant”).

**WITNESSETH:**

**WHEREAS**, Applicant is the developer of two tracts located in Manatee County: (1) a 1,518.88± acre parcel of real property generally bounded by SR 70 on the south, Lakewood Ranch Boulevard and Lakewood Centre on the west, 44<sup>th</sup> Avenue Extension on the north and Lorraine Road on the east, and known as “Northwest Sector;” and (2) a 697.45 ± acre parcel of real property generally bounded by SR 70 on the south, Lakewood Ranch Boulevard on the west, Malachite Drive on the north and Pope Road on the east, and known as “Lakewood Centre”(individually a “Project Site” and collectively, the “Project Sites”), the complete legal description for each are attached hereto as **Exhibit “A;”** and

**WHEREAS**, Applicant has received DRI approval, zoning and general site plan approval from Manatee County pursuant to Ordinances 13-24 and PDMU-05-19(G)(R7)) for Northwest Sector and Ordinances 13-28 and PDMU-06-30(G)(R2) for Lakewood Centre to allow mixed use development to be constructed on the Project Sites (individually, a “Project” and collectively, the “Projects”); and

**WHEREAS**, Applicant holds legal and equitable title to the lands on **Exhibit “A,”** except for lots, parcels and tracts sold in the normal course of business and development; and

**WHEREAS**, the Projects received specific approval of the first phase of each and conceptual approval of the later phases of each. The approved first phase of each shall be

referenced herein as the “First Phase” or collectively, the “First Phases.” The remaining phases of the Projects through build-out shall be referred to individually as the “Remainder Phase” or collectively, as the “Remainder Phases.” The Remainder Phases are subject to final review pursuant to the Notice of Proposed Change review process and specific approval by the County; and

**WHEREAS**, the Applicant has submitted traffic studies through build-out of the Projects (individually, a “Build-out Study” or for both Projects, the “Build-out Studies”), which Build-out Studies have been reviewed and approved by the County; and

**WHEREAS**, pursuant to that certain Local Development Agreement by and between the County and the Applicant dated September 14, 2010 and recorded in Official Records Book 2352, Page 7541 of the Public Records of Manatee County, Florida, the Applicant has received a certificate of level of service for all aspects of concurrency for the First Phases (except for water and sewer), which agreement remains in full force and effect and is not amended or changed in any way by this Development Agreement; and

**WHEREAS**, the Build-out Studies set forth certain transportation improvements to be completed prior to development of the Remainder Phases in order to meet concurrency requirements. The County’s approval of the Projects and Florida Statutes allow for flexibility in favor of broader traffic solutions to satisfy the Applicant’s transportation concurrency, including a proportionate share contribution to cover the Projects’ proportionate share of the costs to construct improvements needed to mitigate the transportation impacts of the Projects. The Build-out Studies determined that the Projects’ proportionate share is \$5,706,282.00 (the relevant portions of the Build-out Studies are set forth in Exhibit “B” attached hereto); and

**WHEREAS**, it is the intent of Applicant to design, permit and construct, or cause the construction of, Pope Road as the outside two lanes of a four-lane divided roadway in the areas depicted on Exhibit “C” attached hereto (the “Pope Road Improvement”) as a proportionate share project to mitigate the transportation impacts of the Remainder Phases of the Projects. (The parties recognize that other developers may construct access-related improvements as small portions of the Pope Road Improvement and that Applicant will coordinate the construction of the remainder of the Pope Road Improvement, and, if necessary, the reconstruction of such

access-related improvements as part of the Pope Road Improvement, with those other developers.) The cost of the design, permitting and construction of the Pope Road Improvement, exclusive of the value of dedicated road right of way, for purposes of this Agreement is \$11,463,114.00. The value of the right of way, using standard County estimation methods is \$3,438,934.00 for a total of \$14,902,048.00 (in the aggregate, the "Pope Road Improvement Cost"). The Pope Road Improvement will serve the needs of, and address the impacts created by, the Remainder Phases; and

**WHEREAS**, the Pope Road Improvement contemplated hereunder has been included within this Development Agreement for the purpose of addressing all aspects of transportation concurrency for the Remainder Phases and the provision of adequate public facilities and services needed to support such new development; and

**WHEREAS**, the County has made a determination that a Certificate of Level of Service ("CLOS") for transportation cannot be issued for the Remainder Phases of the Projects unless certain improvements and/or a proportionate share contribution to the construction of facilities, occur in the vicinity of the Project Site as more fully specified herein; and

**WHEREAS**, the Land Development Code (the "LDC") provides that a CLOS for the Projects may be issued contingent upon the payment of proportionate share mitigation and/or construction of the necessary public facilities and services being guaranteed in an enforceable Development Agreement entered into pursuant to Sections 163.3220 through 163.3243, Florida Statutes; and

**WHEREAS**, the Applicant has proposed to enter into this Development Agreement to exchange rights, responsibilities and benefits, each of which constitutes true and valuable consideration for the other, with respect to the development of the Projects and the construction of the Pope Road Improvement, such that no obligation of the Applicant under this Development Agreement shall be construed as an "exaction" from the Applicant by the County within the meaning of any applicable constitutional or statutory provision or decisional case law regarding the same; and

**WHEREAS**, in accordance with the applicable Florida Statutes and Section 510.9.2.1.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement; and

**WHEREAS**, pursuant to Section 163.3220, Florida Statutes, et seq., the County is authorized to enter into a Development Agreement; and

**WHEREAS**, the first and second required public hearings on this Development Agreement were held by the Board of County Commissioners (the "Board") on November 5, 2013 and November 7, 2013, at which time the Board received the recommendation of the Planning staff, and found the Development Agreement to be consistent with the Manatee County Comprehensive Plan (the "Comprehensive Plan") and approved this Development Agreement and authorized the Chairman to execute the Development Agreement on behalf of Manatee County.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **Recitals True and Correct.** The recitals set forth above are true and correct and are incorporated herein by reference.
2. **Description of Development Uses.** The Projects shall be developed including the components set forth on **Exhibit "D"** attached hereto and made a part hereof. **Exhibit "D"** also sets forth the components of the Remaining Phases of each Project and references approved land use exchanges that will maintain the same impacts on the transportation system.
3. **Ownership of Land Subject to Development Agreement.** A legal description of the land subject to this Development Agreement (i.e., the Project Sites) is attached hereto as **Exhibit "A."** The current legal and equitable owner of the Project Sites is: **SMR North 70, LLC**, a Florida limited liability company, except for those lots, parcels and tracts sold or transferred in the normal course of business and development.

4. **Definitions.** As used in this Agreement, the following words, terms, and phrases shall have the meanings ascribed to them here:

(A) “Concurrency Requirements”: shall mean the dedication or conveyance of lands for public purposes and/or the design and construction of improvements to public facilities (and the payment of proportionate share mitigation in connection therewith) that the Applicant must provide to meet the concurrency requirements of the Land Development Code, the Comprehensive Plan and Florida Statutes.

(B) “County Administrator”: shall mean the County Administrator or his designee.

5. **Description of Public Facilities.** The following public facilities and services will serve the Project described in Paragraph 2 above:

(A) Potable Water: The County will provide potable water to the Project Sites in sufficient quantity to serve the Projects, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(B) Sanitary Sewer: The County will provide sanitary sewer service to the Project Sites in sufficient quantity to serve the Projects, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(C) Solid Waste: The County will provide Solid Waste Management Services to the Project Sites to serve the Projects, as and when actually constructed, via facilities which are already in place.

(D) Recreation/Open Space: With the Applicant’s dedication of acreage and construction of related facilities as set forth in the approved general site plans and the final site plans to be later approved, the Projects will meet concurrency requirements for recreation/open space and will not result in degradation of the adopted level of service.

(E) Storm Water Management: With the Applicant's design and construction of the proposed storm water management facilities on the Project Sites in compliance with Section 717 of the LDC, or as otherwise approved by Manatee County sufficient to meet County development standards and SWFWMD regulations, the Projects will meet concurrency requirements for storm water and will not result in degradation of the adopted level of service.

(F) Transportation: The Applicant's agreement herein to construct the Pope Road Improvement will meet concurrency requirements for transportation for the Remainder Phases.

**6. Proportionate Share Mitigation (PSM).**

(A) PSM for Concurrency Impacts. Pursuant to and in accordance with Section 163.3180, *Florida Statutes*, the Applicant shall satisfy the concurrency requirements for transportation for the Remainder Phases through the design, permitting, construction and right of way dedication of the Pope Road Improvement as provided in Section 6(B), below. The construction of the Pope Road Improvement made pursuant to this Section 6 shall fully and completely satisfy the Applicant's responsibility for providing mitigation of roadway impacts resulting in concurrency for the Remainder Phases of the Projects as required pursuant to Section 163.3180, *Florida Statutes*, the Comprehensive Plan and the LDC. The Applicant may be required to complete additional improvements for the purpose of providing access to the Projects and/or for safety purposes. Based upon the Pope Road Improvement Cost, the parties acknowledge that the Pope Road Improvement qualifies to meet the requirements of proportionate share mitigation as said cost exceeds the Projects' proportionate share of the road improvements needed to support the development of the Remainder Phases as set forth in the Build-out Studies. In consideration for the other obligations of the County under this Development Agreement, the Applicant hereby waives the right to receive any compensation (in the form of moneys, impact fee credits or otherwise) for the value of the Pope Road Improvement that exceeds the Projects' proportionate share.

(B) Pope Road Improvement. The Applicant shall construct, or cause to be constructed, the Pope Road Improvement as set forth in the Recitals above. The Applicant shall begin the design and permitting of the Pope Road Improvement upon the Effective Date and

shall continue with the permitting and construction thereafter to diligently pursue the construction with a target date of completion of four (4) years after the Effective Date and a required completion date of five (5) years from the County approval of the next phase of either Project, subject to reasonable extensions for events beyond the control of the Applicant. Provided Applicant diligently pursues such construction, failure to meet the target date shall not be a breach of this Development Agreement. Failure to complete the Pope Road Improvement by the required completion date shall result in a suspension of the CLOS for the Remainder Phases until completed. Upon completion of the Pope Road Improvement, the Applicant shall dedicate the right of way owned by Applicant, as improved, to the County. The obligations of the Applicant to design, permit and construct the Pope Road Improvement and dedicate the right-of-way and improvement to the County may be performed on behalf of the Applicant in whole or in part by the Lakewood Ranch Stewardship District, provided that the Applicant shall remain directly responsible to the County for the performance of such obligations under this Agreement.

7. **DRI and Zoning Compliance.** The PSM satisfies the requirements of Florida Statutes and the mitigation plans for the Projects, as such mitigation method is set forth for the First Phases in Section 6.A.(13) of the Northwest Sector Development Order and Section 6.A.(12) of the Lakewood Centre Development Order. The PSM satisfies the mitigation plans for the Projects, as such mitigation method is set forth for the First Phases in Section 4.B.(3) of the Northwest Sector Zoning Ordinance and Section 4.B.(1) of the Lakewood Centre Zoning Ordinance. As the Projects' transportation impacts will be mitigated through build-out of the Projects, the requirements in the Development Orders to monitor project traffic to determine when certain thresholds are reached that would require mitigation is rendered moot and such monitoring shall not be required.

8. **Waiver of Impact Fee Credits; Extended CLOS.**

(A) Waiver of Credits (Pope Road Improvement). By the terms of this Agreement, the Applicant has agreed to construct the Pope Road Improvement. This road improvement is to the thoroughfare network and eligible for impact fee credits. However, the Applicant hereby waives its right to receive such impact fee credits for its construction of the Pope Road Improvement and dedication of the related right-of-way so that the County can use the impact

fees such credits would otherwise offset towards other improvements needed to the thoroughfare network within the impact fee benefit district. This results in a major contribution by the Applicant to the thoroughfare network that would otherwise be paid for by the County, either in the form of construction itself or in the granting of impact fee credits.

(B) Extended CLOS. Because of the substantial private contribution to the County's infrastructure made by the Applicant pursuant to this Agreement, ample time is necessary to complete construction of the Projects to provide a return to the Applicant. Therefore, as additional consideration for the construction of the Pope Road Improvement and the waiver of impact fee credits, a CLOS for each Project with an expiration date of the earlier of i) the build-out date of each Project, as same may be extended from time to time, or ii) thirty (30) years from the Effective Date, shall be issued for the amount of development for the Remainder Phases of each Project as set forth on Exhibit "D" for the public facilities and services covered by this Development Agreement, including transportation, recreation/open space, solid waste, and storm water. Because the Projects are DRI level developments and are to be constructed in phases, under normal circumstances they would receive CLOS approval phase-by-phase as individual phases came forward for development. Therefore, the extension granted herein to the CLOS for each Project in its entirety results in CLOS approval of development phases that would otherwise not receive CLOS approval until later in the development process. By providing CLOS approval for each Project in its entirety in exchange for the construction of the Pope Road Improvement and the accompanying waiver of impact fee credits, the County can better plan transportation needs and funding for the future.

(C) Effect of Changes to Projects. The amount of development subject to the CLOS to be issued hereunder is the total of the two Projects. If some development rights are increased in one Project and decreased by a like amount in the other Project (subject to County approval), the CLOS entitlements shall follow such development rights from one Project to the other. Likewise, the CLOS shall follow the development rights granted for either Project if such Project's boundaries and granted development rights are extended to additional property.

(D) CLOS Conditions. Said CLOS shall be conditioned upon the Applicant complying with the terms of this Development Agreement and shall be effective for each

Remainder Phase of each Project upon approval of each such Remainder Phase. The CLOS for potable water, sanitary sewer, and schools shall be issued separately, and the expiration of a CLOS for such facilities, as well as any and all other public facilities, shall coincide with the expiration date set forth herein. The parties recognize that specific approval has not yet been granted for the Remainder Phases, which must undergo approval through the NOPC process.

(E) Waiver of Credits for Pre-2005 Contributions. The Applicant, for itself, its heirs, successors, related entities and assigns, hereby waives the right to apply for or receive any impact fee credits for any dedications of right-of-way, construction of roadway improvements, or other contribution of capital roads facilities completed prior to January 1, 2005 other than those included in the surplus credits described in Section 9.

9. **Use of Impact Fee Credits:** The Applicant has previously received approval from the County of certain impact fee credits for other improvements to the County Transportation System in the total amount of \$12,229,595.00, pursuant to Credit Authorization No. CA-11-02(T), CA-11-03(T), CA-11-04(T), CA-11-05(T), CA-11-06(T), CA-11-07(T), CA-11-08(T), CA-11-09(T), CA-11-10(T), CA-11-11(T), CA-11-12(T), CA-11-13(T), CA-11-14(T) and CA-11-16(T) (the "Surplus Credits"). The use of the Surplus Credits is generally governed by Section 807.2.2 of the LDC.

(A) Waiver of Certain Uses. So long as Applicant is allowed to use the Surplus Credits in accordance with this Section 9, Applicant waives the right to use the Surplus Credits:

1. To offset impact fees due and owing for an applicable impact fee component of the Projects or other developments of the Applicant, its related business entities, or their successors or assigns, pursuant to Section 807.2.2.1 of the LDC, or to assign such Surplus Credits to another entity to be used for the same purpose pursuant to Section 807.2.2.3 of the LDC; or
2. To obtain a refund of Impact Fee funds to the Applicant for impact fees to paid in connection with the development of the Projects or any other

development projects of the Applicant, its related business entities, or their successors or assigns, pursuant to Section 807.2.2.2 of the LDC.

(B) Available Use. The County shall allow Applicant to use the Surplus Credits as proportionate fair share contributions to obtain further extensions of the CLOS for the Projects or for use of mitigation or extension of the CLOS on other development in the impact fee benefit district, pursuant to Section 807.2.2.4 of the LDC, subject to County approval of an amendment to this Agreement or through a separate agreement.

(C) Changes to Concurrency Management System. So long as the County maintains a concurrency management system (“CMS”) that requires transportation concurrency approval in order to proceed with development, Applicant shall be entitled to use the Surplus Credits as provided in Section 9(B).

1. In the event the County changes its CMS (for example, through the discontinuance of impact fees in favor of mobility fees, or with a system that does not requires transportation concurrency approval in order to proceed with development) such changes shall not be used as a basis to deprive Applicant of the value of the Surplus Credits as contemplated in this Section 9, or to otherwise prevent Applicant from continuing with extended development upon paying the then impact fees or mobility fees as they then become due. The waiver of certain uses of the Surplus Credits in this Section is intended to be used to extend the time over which Applicant, or related entities, may develop their properties, and such right shall not be lost as a result of changes to the County’s CMS.
2. In the event the County changes or eliminates its CMS to allow development to proceed as long as payments for fees are made (“pay-and-go”), such that the Surplus Credits would not be needed to assure the right to continue with extended development, the Surplus Credits shall not be available for the uses waived pursuant to Section 9(A), as the intended purpose would have been rendered moot. The Surplus Credits shall, however, be retained and held in reserve, to be available for the purposes

authorized under this Section 9 in the event the County changes or re-establishes its CMS that requires transportation concurrency approval in order to proceed with development.

10. **Monitoring.** During the term of this Development Agreement the Applicant shall cooperate with the Planning Director in the Planning Director's annual review as required by Chapter 10 of the LDC.

11. **Concurrency Findings.** The Planning Commission, in its capacity as the Local Planning Agency of County, found that the concurrency requirements of the Comprehensive Plan and LDC will be met for the Projects regarding the public facilities and services described in Paragraph 5, provided the terms and conditions of this Development Agreement are undertaken and performed by Applicant.

12. **Permits Required.** The following is a description of all local development permits approved or needed to be approved for the Project Sites:

- Preliminary Site Plans;
- One or more Final Site Plans;
- One or more Preliminary Plats;
- One or more Final Plats;
- One or more Access and Driveway Permits;
- One or more Construction Plan approvals;
- One or more Building Permits; and
- One or more Certificates of Occupancy or of Completion.

13. **Omission from Development Agreement.** The failure of this Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law, including without implied limitation the

applicable provisions of the County's Comprehensive Plan or Land Development Code, governing said permitting requirements, conditions, terms, or restrictions.

14. **Disclaimer of Joint Venture.** Applicant and County represent that by the execution of this Development Agreement it is not the intent of the parties that this Development Agreement be construed or deemed to represent a joint venture or common undertaking between County and Applicant, or either, with any third party. While engaged in carrying out and complying with the terms of this Development Agreement, Applicant is an independent principal and not a contractor for or an officer or employee of County. Applicant shall not at any time or in any manner represent that it or any of its agents or employees are employees of County.

15. **Successors in Interest.** The burdens of this Development Agreement shall be binding upon, and the benefits shall inure to, all successors in interest to the parties to the Development Agreement including all mortgagees to the parties to this Development Agreement. Notwithstanding anything in this Development Agreement to the contrary, the County shall have no responsibility or liability for any obligations of Applicant under this Development Agreement, and the County does not assume any obligations to or for Applicant.

16. **Amendments.** All amendments to this Development Agreement, including any such amendments extending the term of the Development Agreement, shall be ineffective unless reduced to writing and executed by the County and Applicant, in accordance with Sections 163.3237 and 163.3229, Florida Statutes.

17. **Applicable County Ordinances and Codes.** In accordance with Section 163.3233, Florida Statutes, and Section 518 of the LDC, the codes, policies, and ordinances of the County governing the development of the Projects upon the date of execution of this Development Agreement shall govern the development of the Projects for the duration of this Development Agreement. Prior to the termination of this Development Agreement in accordance with Paragraph 26 hereof, County may apply codes, policies, and ordinances adopted subsequent to the execution hereof to the Projects only if County has held a public hearing and made the determinations required by the above cited Florida Statute and LDC provision.

18. **Recording of this Agreement.** The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners (the "Clerk") shall record this Development Agreement in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution of this Agreement by all parties. Applicant shall bear the expense of recording this Agreement.

19. **Applicable Law and Venue.** This Agreement shall be construed, and the rights and obligations of the parties hereunder shall be determined, in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusive in Manatee County, Florida, unless prohibited by law.

20. **Severability.** In the event any term or provision of this Agreement shall be held invalid by a Court of competent jurisdiction, such invalid term or provision should not affect the validity of any term or provision hereof; and all such terms and provisions hereof shall be enforceable to the fullest extent permitted by law as if such invalid term or provision had never been part of this Agreement; provided, however, if any term or provision of this Agreement is held to be invalid due to the scope or extent thereof, then, to the extent permitted by law, such term or provision shall be automatically deemed modified in order that it may be enforced to the maximum scope and extent permitted by law.

21. **Entire Agreement.** This Development Agreement constitutes the entire agreement between the parties hereto as to the subject matter contained herein and supersedes any and all prior understandings, if any. There are no other oral or written promises, conditions, representations, understandings, or terms of any kind as conditions or inducements to the execution hereof, and none have been relied upon by either party. Any subsequent conditions, representations, warranties, or agreements shall not be valid and binding upon the parties unless they are in writing signed by both parties and executed in the same manner as this Development Agreement. Notwithstanding the foregoing, the parties recognize that a Local Development Agreement relative to the first phases of the Projects is in place and this Agreement is not intended to amend, change or supersede such agreement, which remains in full force and effect.

22. **Parties Drafted Equally.** The County and Applicant agree that both parties have played an equal and a reciprocal part in drafting this Agreement. Therefore no provision of this

Agreement shall be construed by a Court or judicial authority against any party hereto because such party is deemed to have drafted or structured such provisions.

23. **Notices.** All notices, demands, requests for approvals or other communications given by either party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested or by a recognized national overnight courier service, or by hand delivery to the office of each party indicated below and addressed as follows:

To Applicant:           **SMR North 70, LLC**  
14400 Covenant Way  
Lakewood Ranch, Florida 34202  
Attn: Rex E. Jensen

With a Copy to:       Caleb J. Grimes, Esq.  
Grimes Goebel Grimes Hawkins Gladfelter & Galvano P.L.  
1023 Manatee Avenue West  
Bradenton, Florida 34205

To County:             County Administrator  
Manatee County  
P.O. Box 1000  
Bradenton, FL 34206

With Copies to:       Director, Building & Development Services Department  
Manatee County  
P.O. Box 1000  
Bradenton, FL 34206

County Attorney  
Manatee County  
P.O. Box 1000  
Bradenton, FL 34206

24. **Survival of Warranties, Representations.** The warranties, representations, covenants and obligations of the parties hereto shall be binding upon the parties and their respective successors in interest.

25. **Effective Date.** This Agreement shall not become effective until i) it has been executed by all parties, and ii) it has been recorded in the Public Records of Manatee County, Florida, at the expense of Applicant.

26. **Termination.** This Development Agreement shall automatically terminate and expire upon the occurrence of the first of the following:

(A) The full performance by all parties hereto of each and every one of their respective obligations arising under the terms of this Development Agreement.

(B) The expiration of thirty (30) years from the effective date of this Agreement, as defined in Paragraph 25 above.

(C) The revocation of this Development Agreement by the Board in accordance with Section 163.3235, Florida Statutes, and Section 518 of the LDC.

(D) The execution of a written agreement by all parties, or their successors in interest, providing for the cancellation and termination of this Development Agreement.

**WHEREFORE**, the parties hereto have executed this Agreement as of the date set forth above.

MANATEE COUNTY, FLORIDA  
By: Board of County Commissioners

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

By: *G. Acevedo*  
Deputy Clerk



*Larry Burt*  
Chairman

Date: 11/7/13

WITNESSES:

Todd J Pokrywa  
Todd J Pokrywa

Print name:

Deborah A. Furman  
Deborah A. Furman

Print name:

SMR North 70, LLC, a Florida limited liability company

By: Schroeder-Manatee Ranch, Inc., a Delaware corporation, as its sole member

By: Rex E. Jensen  
Rex E. Jensen, President

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of NOVEMBER, 2013, by Rex E. Jensen, as President of Schroeder-Manatee Ranch, Inc., a Delaware corporation, as the sole member of SMR North 70, LLC, a Florida limited liability company on behalf of the corporation, who is personally known to me or has produced n/a as identification.

Notary Public: Deborah A. Cooper

Deborah A. Cooper



## EXHIBIT "A"

LAKEWOOD CENTRE DRI

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 16, 17 and 18 Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of said Section 7, also being the Northeast corner of the above mentioned Section 18; thence N.88°45'31"W., along the north line of said Section 18 a distance of 21.43 feet to the POINT OF BEGINNING, said point being a point on the easterly right-of-way line of Lakewood Ranch Boulevard, a 120-foot wide Public Right-of-way; the following two (2) calls are along said easterly right-of-way line; (1) thence N.02°18'37"W., a distance of 346.71 feet to the point of curvature of a curve to the right having a radius of 3,940.00 feet and a central angle of 03°48'48"; (2) thence northerly along the arc of said curve, an arc length of 262.23 feet to the point of compound curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°37'13"; thence northeasterly along the arc of said curve, an arc length of 79.95 feet to the point of tangency of said curve; thence S.86°52'35"E., a distance of 1,131.57 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 44°37'24"; thence easterly along the arc of said curve, an arc length of 1,669.02 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 34°25'49"; thence northeasterly along the arc of said curve, a distance of 1,215.67 feet to the point of tangency of said curve; thence N.82°55'49"E., a distance of 734.17 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 87°53'04"; thence southeasterly along the arc of said curve, an arc length of 76.69 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 23°41'47"; thence southerly along the arc of said curve, a distance of 1,211.79 feet to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 11°22'52"; thence southeasterly along the arc of said curve, a distance of 556.19 feet to the point of tangency of said curve; thence S.68°29'59"W., a distance of 11.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°29'59"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 03°46'14", an arc length of 183.54 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of 46°58'18", an arc length of 28.69 feet to the point of compound curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 07°40'51"; thence southerly along the arc of said curve, an arc length of 375.36 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 01°04'12"; thence southerly along the arc of said curve, a distance of 54.72 feet to the end of said curve; thence S.01°18'11"W., along a line non-tangent to the last described curve, a distance of 51.28 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.78°25'45"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 05°37'54", an arc length of 289.07 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies

S.25°50'30"W., a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of 46°27'42", an arc length of 28.38 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 06°44'40"; thence southerly along the arc of said curve, a distance of 344.90 feet to the end of said curve; thence S.12°34'36"E., along a line non-tangent to the last described curve, a distance of 51.41 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.64°34'42"E., a radial distance of 2,941.00 feet; thence southeasterly along the arc of said curve, through a central angle of 01°33'58", an arc length of 80.39 feet to the point of tangency of said curve; thence S.26°59'15"E., a distance of 113.45 feet; thence S.63°00'45"W., a distance of 90.22 feet to the point of curvature of a curve to the right having a radius of 1943.00 feet and a central angle of 18°07'32"; thence along the arc in a southwesterly direction, a distance of 614.67 feet to the end of said curve; thence S.09°31'35"E., along a line non-tangent to the last described curve, a distance of 78.62 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.10°12'41"W., a radial distance of 2007.00 feet; thence along the arc in a northeasterly direction, passing through a central angle of 11°39'48", an arc length of 408.55 feet to the end of said curve; thence N.79°51'15"E., along a line non-tangent to the last described curve, a distance of 51.06 feet to the point of curvature of a curve to the left, of which the radius point lies N.23°17'40"W., a radial distance of 3,012.26 feet; thence along the arc in a northeasterly direction, passing through a central angle of 04°10'01", an arc length of 219.07 feet to the end of said curve; thence S.31°07'37"E., along a line non-tangent to the last described curve, a distance of 152.40 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.26°59'16"E., a radial distance of 50.00 feet; thence easterly along the arc of said curve, through a central angle of 90°00'00", an arc length of 78.54 feet to the point of tangency of said curve; thence S.26°59'15"E., a distance of 769.47 feet to the point of curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 27°15'57"; thence southerly along the arc of said curve, an arc length of 1,332.47 feet to the point of tangency of said curve; thence S.00°16'42"W., a distance of 641.12 feet; thence N.89°43'18"W., a distance of 670.00 feet; thence S.00°16'42"W., a distance of 990.00 feet to the north right-of-way line of State Road 70, a 200-foot wide Public Right-of-way; the following two (2) calls are along said northerly right-of-way line; (1) thence N.89°43'18"W., a distance of 527.20 feet; (2) thence N.88°46'44"W., a distance of 3,950.87 feet to the east right-of-way line of said Lakewood Ranch Boulevard; thence N.01°13'16"E., along said east right-of-way line, a distance of 100.01 feet; thence S.88°46'44"E., a distance of 210.34 feet to the point of curvature of a curve to the left having a radius of 50.00 feet and a central angle of 108°00'50"; thence northeasterly along the arc of said curve, an arc length of 94.26 feet to the point of tangency of said curve; thence N.16°47'34"W., a distance of 69.44 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 18°19'57"; thence northerly along the arc of said curve, an arc length of 95.99 feet to the point of tangency of said curve; thence N.01°32'24"E., a distance of 131.00 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of 89°19'08"; thence northwesterly along the arc of said curve, an arc length of 46.77 feet to the point of tangency of said curve; thence N.87°46'44"W., a distance of 193.00 feet to the east right-of-way line of

said Lakewood Ranch Boulevard; the following three (3) calls are along said east right-of-way line; (1) thence N.01°13'16"E., a distance of 71.50 feet to the point of curvature of a curve to the left having a radius of 1,810.00 feet and a central angle of 47°18'07"; (2) thence northerly along the arc of said curve, an arc length of 1,494.29 feet to the point of tangency of said curve; (3) thence N.46°04'51"W., a distance of 88.50 feet; thence N.43°55'10"E., a distance of 93.66 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 124°16'00"; thence northerly along the arc of said curve, an arc length of 43.38 feet to the point of reverse curvature of a curve to the right having a radius of 71.00 feet and a central angle of 44°08'56"; thence northwesterly along the arc of said curve, a distance of 54.71 feet to the point of tangency of said curve; thence N.36°11'54"W., a distance of 225.82 feet; thence N.48°58'07"W., a distance of 84.68 feet; thence N.69°43'32"W., a distance of 99.20 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 54°19'36"; thence westerly along the arc of said curve, an arc length of 18.96 feet to the point of tangency of said curve; thence S.55°56'52"W., a distance of 32.09 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.55°56'52"E., a radial distance of 2,190.00 feet, said point also being a point on the east right-of-way line of said Lakewood Ranch Boulevard; the following two (2) calls are along said east right-of-way line; (1) thence northerly along the arc of said curve, through a central angle of 31°44'31", an arc length of 1,213.27 feet to the point of tangency of said curve; (2) thence N.02°18'37"W., a distance of 1,728.76 feet to the POINT OF BEGINNING.

Said tract contains 33,590,466 square feet or 771.1310 acres, more or less.

LESS:

Pond Number 3, described in Official Record Book 1540, Page 7918 of the Public Records of Manatee County, Florida;

LESS:

Parcel 100A, described in Official Record Book 1915, Page 5768 of the Public Records of Manatee County, Florida;

LESS:

Premises described in Warranty Deed to DVA Arena, LLC, recorded in Official Record Book 1943, Page 4075 of the Public Records of Manatee County, Florida;

LESS: Ingress-Egress Easement No. 1

A Tract of land lying in Section 9, 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Section 17; thence S.89°34'35"E along the

North line of said Section 17 a distance of 3985.93 feet; thence S.00°25'25"W a distance of 487.63 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the right, of which the radius point lies S.69°39'59"E., a radial distance of 325.00 feet; thence northeasterly along the arc of said curve, through a central angle of 33°08'49", an arc length of 188.02 feet to the point of tangency of said curve; thence N.53°28'49"E., a distance of 370.60 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 30°41'48"; thence easterly along the arc of said curve, an arc length of 174.12 feet to the point of tangency of said curve; thence N.84°10'37"E., a distance of 374.39 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 24°43'08"; thence easterly along the arc of said curve, an arc length of 140.21 feet to the point of reverse curvature of a curve to the left having a radius of 275.00 feet and a central angle of 37°11'49"; thence easterly along the arc of said curve, a distance of 178.53 feet to the point of compound curvature of a curve to the left having a radius of 35.00 feet and a central angle of 91°38'36"; thence northeasterly along the arc of said curve, an arc length of 55.98 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.70°03'20"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 02°12'54", an arc length of 107.82 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence westerly along the arc of said curve, through a central angle of 44°31'14", an arc length of 27.20 feet to the point of tangency of said curve; thence S.71°18'14"W., a distance of 9.06 feet to the point of curvature of a curve to the right having a radius of 337.00 feet and a central angle of 37°35'30"; thence westerly along the arc of said curve, an arc length of 221.11 feet to the point of reverse curvature of a curve to the left having a radius of 263.00 feet and a central angle of 01°53'10"; thence westerly along the arc of said curve, a distance of 8.66 feet to the point of tangency of said curve; thence N.72°59'26"W., a distance of 56.37 feet to the point of curvature of a curve to the left having a radius of 137.00 feet and a central angle of 22°49'57"; thence westerly along the arc of said curve, an arc length of 54.60 feet to the point of tangency of said curve; thence S.84°10'37"W., a distance of 371.34 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 30°41'48"; thence westerly along the arc of said curve, an arc length of 147.33 feet to the point of tangency of said curve; thence S.53°28'49"W., a distance of 370.60 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 34°54'45"; thence southwesterly along the arc of said curve, an arc length of 167.57 feet to the end of said curve; thence N.60°04'23"W., a distance of 50.84 feet to the POINT OF BEGINNING.

Said tract contains 76,341 square feet or 1.7526 acres, more or less.

LESS: Ingress-Egress Easement No. 2

A Tract of land lying in Sections 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Sections 16 and 17; thence S.89°34'35"E

along the North line of said Section 17 a distance of 4291.01 feet; thence S.00°25'25"W a distance of 654.77 feet to the POINT OF BEGINNING; thence S.60°04'23"E., a distance of 25.14 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.46°57'50"E., a radial distance of 325.00 feet; thence easterly along the arc of said curve, through a central angle of 113°10'48", an arc length of 641.99 feet to the point of reverse curvature of a curve to the left having a radius of 255.00 feet and a central angle of 85°25'10"; thence southeasterly along the arc of said curve, a distance of 380.17 feet to the point of tangency of said curve; thence N.70°47'48"E., a distance of 283.99 feet to the point of curvature of a curve to the left having a radius of 35.00 feet and a central angle of 85°57'17"; thence northeasterly along the arc of said curve, an arc length of 52.51 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.74°50'32"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 02°02'41", an arc length of 104.95 feet to the end of said curve; thence N.72°51'02"W., along a line non-tangent to the last described curve, a distance of 10.58 feet; thence S.70°47'48"W., a distance of 226.06 feet to the point of curvature of a curve to the right having a radius of 167.00 feet and a central angle of 08°40'50"; thence westerly along the arc of said curve, an arc length of 25.30 feet to the point of tangency of said curve; thence S.79°28'38"W., a distance of 62.92 feet to the point of curvature of a curve to the left having a radius of 133.00 feet and a central angle of 04°57'32"; thence westerly along the arc of said curve, an arc length of 11.51 feet to the point of reverse curvature of a curve to the right having a radius of 309.00 feet and a central angle of 81°41'53"; thence northwesterly along the arc of said curve, a distance of 440.60 feet to the point of reverse curvature of a curve to the left having a radius of 271.00 feet and a central angle of 49°45'11"; thence northwesterly along the arc of said curve, a distance of 235.32 feet to the point of tangency of said curve; thence N.78°27'38"W., a distance of 46.52 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.06°36'57"W., a radial distance of 271.00 feet; thence westerly along the arc of said curve, through a central angle of 21°41'20", an arc length of 102.59 feet to the end of said curve; thence S.66°23'37"W., along a line non-tangent to the last described curve, a distance of 80.42 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.32°08'23"E., a radial distance of 271.00 feet; thence southwesterly along the arc of said curve, through a central angle of 10°26'33", an arc length of 49.39 feet to the end of said curve; thence S.39°34'23"E., along a line non-tangent to the last described curve, a distance of 35.74 feet; thence N.60°04'23"W., a distance of 116.67 feet; thence N.29°55'37"E., a distance of 4.78 feet to the POINT OF BEGINNING.

Said tract contains 75,680 square feet or 1.7374 acres, more or less.

<u>Total Described Area</u>	= 771.1310 Acres +/-
Less: Ponds No. 3	= 5.15 Acres +/-
Less: Parcel 100A	= 4.512 Acres +/-
Less DVA Arena, LLC	= 60.5327 Acres +/-
Less: Ingress-Egress Easement No. 1	= 1.7526 Acres +/-
<u>Less Ingress-Egress Easement No. 2</u>	<u>= 1.7374 Acres +/-</u>
Net Area	= 697.4463 Acres +/-

NORTHWEST SECTOR DRI

LEGAL DESCRIPTION PARCEL 1 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence N04°40'41"E, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of 25°57'27", said curve having a radius of 2,060.00 feet and being subtended by a chord which bears N08°18'02"W, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of 95°42'23", said curve having a radius of 50.00 feet and being subtended by a chord which bears N26°34'26"E, 74.14 feet; Thence N 74°25'37"E, 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of 14°53'05", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N81°52'09"E, 719.53 feet; Thence N00°41'18"W, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of 13°12'59", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears S84°04'49"E, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of 41°16'07", said curve having a radius of 2,940.00 feet and being subtended by a chord which bears N81°53'37"E, 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of 16°32'46", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears N69°31'57"E, 802.91 feet; Thence S12°11'41"E, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of 13°04'19", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N84°20'29"E, 632.31 feet; Thence S89°07'21"E, 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right through a central angle of 41°24'35", said curve having a radius of 50.00 feet and being

subtended by a chord which bears N70°10'21"E, 35.36 feet; Thence S89°07'21"E, 808.68 feet; Thence N00°52'39"E, 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of 02°29'11", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N88°44'06"E, 127.14 feet to the point of reverse curvature of said curve ; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of 43°45'59", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve ; Thence S48°44'31"E, 1,779.99 feet to a point of curvature; Thence 1,253.44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears S60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet; Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet; Thence N67°44'14"W, 65.42 feet; Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less.

TOGETHER WITH:

LEGAL DESCRIPTION PARCEL 2 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7 AND 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2,952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72.98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears S63°45'26"E, 66.67 feet to a point of compound curvature; Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

# EXHIBIT "B"

## Future Year Improvements NW Sector DRI/Lakewood Centre DRI Build Out Studies (Revised) June 13, 2012

Location	Type of Operation	2018 P.M. Peak Hour Level of Service	Improvements	Improved LOS	Improvement Costs ***	NW Sector/Lakewood Centre All Phases Total %	NW Sector and Lakewood Centre Beyond Phase I Total Prop Share %	NW Sector and Lakewood Centre Beyond Phase I Total Prop Share
(13) SR 64 and Lorraine Road	Unsignalized	F	+ signalize when warranted	C	\$200,000	77.5%	29.7%	\$120,450
(18) SR 70 and 45th Street E / Lakewood Ridge	Signalized	F	+ dual NDB's (add 1 to 1 existing)	D	\$243,208	82.5%	24.4%	\$83,745
(25) SR 70 and Lakewood Ranch Boulevard	Signalized	F	+ add 1 NDB	D	\$1,408,431	86.1%	33.7%	\$476,641
(28) SR 70 and "Road B"	Unsignalized	**	+ signalize when warranted <u>Recommended Geometry on SB approach:</u> + 1 SBL + SBR	C	N/A - Project Improvement	N/A - Project Improvement	N/A - Project Improvement	N/A - Project Improvement
(46) Lakewood Ranch Boulevard and Metairie Drive	Unsignalized	C/F/F/F (NBL/SBL/WBT/WBA/EBR)	+ signalize when warranted	D	\$250,000	80.0%	32.7%	\$172,700
(50) Lorraine Road and Ringland Parkway	Unsignalized	**	+ Add 1 NBL + Add 1 SBR <u>Recommended Geometry on SB approach:</u> + 1 EBL + EBR	AD-B (NBL/EBL/EBR)	\$218,519 \$252,008	83.5%	32.6%	\$185,372
(58) Lorraine Road and 44th Avenue	Unsignalized	**	+ Add 1 SBR <u>Recommended Geometry on SB approach:</u> + Add 1 EBL + Add 1 EBR	AC (NBL/EBL)	\$152,008	81.8%	32.8%	\$115,458
(11) SR 64 and Lakewood Ranch Boulevard**	Signalized	F	+ Add 1 NBL + Add 1 EBR	D	\$528,912 \$1,302,400	81.0%	31.7%	\$500,241
(25) SR 70 and 87th Street E**	Signalized	D (with EBT w/c = 1.0)	+ Add 1 EBT and revving lane	C	\$1,033,359	85.2%	32.3%	\$341,102
(27) SR 70 and River Club Boulevard/Forest Run**	Signalized	D (with WBL, EBT, NBL w/c = 1.0)	+ Add 1 EBT and revving lane	C	\$1,238,894	87.0%	34.4%	\$425,482
(28) SR 70 and Lakewood Ranch Boulevard**	Unsignalized	F	+ Add 1 EBT and revving lane + Add 1 WBT and revving lane + Add 1 EBL + Add 1 SBR	C	\$338,701 \$338,701 \$1,195,800 \$889,000	86.1%	32.7%	\$1,063,298
SR 70 and US 301	Signalized	E	+ Add NBT and revving lane	D	\$336,147	48.3%	18.1%	\$80,843
<b>Total</b>								<b>\$3,586,779</b>

\*To be constructed by the applicant as needed for development  
 \*\*These improvements could be replaced by the alternative improvement to 44th Avenue below  
 \*\*\*Costs provided by Manatee County

<b>Total Both ORs</b>	<b>\$3,586,779</b>
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Note: Improvements from Table 21-10 at internal roadway intersections at Pope Metairie and Pope Ringland will be constructed by the applicant as needed for development

Cost of Improvements Which Are An Alternative To The Intersection Improvements Marked \*\*\* Above

Location	Type of Operation	2018 P.M. Peak Hour Level of Service	Improvements	Improved LOS	Improvement Costs	NW Sector/Lakewood Centre All Phases Total %	NW Sector and Lakewood Centre Beyond Phase I Total Prop Share %	NW Sector and Lakewood Centre Beyond Phase I Total Prop Share
Extend 44th Avenue as RLD from east of I-75 to Megan Johnson					\$40,022,583	29.1%	11.4%	\$4,582,574

<b>Total Alternative Improvement</b>	<b>\$4,582,574</b>
<b>Total Prop Share with Alternative Improvement</b>	<b>\$4,708,262</b>

EXHIBIT "C"  
The Pope Road Improvement\*



\*Pope Road (from 44<sup>th</sup> Avenue East to State Road 64) to be constructed as the outside two lanes of a four lane divided roadway in the general alignment reflected in the Future Thoroughfare Map of the Comprehensive Plan

**EXHIBIT "D"**

**NORTHWEST SECTOR  
TABLE 1: DEVELOPMENT TOTALS**

<b>LAND USE</b>	<b>PHASE I (2007- 2022)*# Base Entitlements</b>	<b>PHASE II (2009- 2026)*</b>	<b>TOTAL</b>
<b>RESIDENTIAL</b>			4,422
Single-Family (s.f.)	2,650	1,422	4,072
Multi-Family (m.f)	350	0	350
<b>RETAIL (square feet)</b>	200,000	0	200,000
<b>OFFICE (square feet)</b>	105,000	0	105,000
<b>PARK (acres)</b>	9.2	10	19.2

\* The phasing buildout dates shall be March 22nd of the years indicated and include legislatively approved extensions (SB 360 and SB 1752) for Phase I and (HB 7207 and F.S.252.363) for Phases I and II.

# Includes the option for a group care facility as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

**TABLE 2: LAND USE EQUIVALENCY MATRIX**

<b>CHANGE FROM:</b>	<b>CHANGE TO:</b>				
	<b>Residential / SF Detached (Units)</b>	<b>Residential/ Apartment (Units)</b>	<b>COMMER -CIAL (Sq. Ft.)</b>	<b>OFFICE (Sq. Ft.)</b>	<b>ASSISTED LIV. FAC. (Beds)</b>
Residential/S.F. Detached (Units)		1.42	202.00	255.00	3.24
Residential/Apartment(Units)	0.65		132.00	165.00	2.11
Commercial (1,000 Sq. Ft.)	2.73	3.88		1,271.00	16.20
Office (1,000 Sq. Ft.)	0.47	0.68	176.00		3.30
Assisted Living Facility* (Beds)	0.14	0.20	51.00	79.00	

**LAKWOOD CENTRE  
TABLE 1: DEVELOPMENT TOTALS**

Land Use	Phase 1 2008 – 2022*	Phase 2 2009 – 2021*	Phase 3 2012- 2026*	Total
<b>Residential (dwelling units)</b>				
Multi-family	900	1,800	539	3,239
Single Family	-0-	200	236	436
<b>Total</b>	<b>900</b>	<b>2,000</b>	<b>775</b>	<b>3,675</b>
<b>Commercial/Office (sq. ft.)</b>				
Retail	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
<b>Total</b>	<b>918,000</b>	<b>1,000,000</b>	<b>1,419,000</b>	<b>3,337,000</b>
Hotel (rooms)	300	-0-	-0-	300

\* The phasing buildout dates shall be March 22nd of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363).

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

**TABLE 2: LAND USE EQUIVALENCY MATRIX**

CHANGE FROM:	CHANGE TO:				
	Residential/ SF (Units)	Residential / Multifamil y (Units)	Commerci al (Sq. Ft.)	Office (Sq. Ft.)	Hotel (Rooms)
Residential/S.F. (Units)		0.87	138.67	348.99	0.65
Residential/Multifamily (Units)	1.15		132.00	165.00	0.75
Commercial (1,000 Sq. Ft.)	7.21	3.88		1271.00	4.69
Office (1,000 Sq. Ft.)	2.87	0.68	176.00		1.86
Hotel (Rooms)	1.54	1.33	213.33	536.91	

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MANATEE COUNTY  
FLORIDA

Certified Mail #7000 0600 0024 5577 5796

August 14, 2013

Mr. John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Boulevard, Suite 100  
Pinellas Park, Florida 33782

Re: Development Order for Northwest Sector DRI#26 - Ordinance 13-24

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 13-24, the DRI Development Order for Northwest Sector DRI, as adopted in open session by the Manatee County Board of County Commissioners on August 6, 2013, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy  
Planning Coordinator

/br  
Enclosure

Building and Development Services Department  
Mailing Address: P. O. Box 1000 1112 Manatee Avenue West, 2<sup>nd</sup> Floor, Bradenton, FL 34206-1000  
WEB: [www.mymanatee.org](http://www.mymanatee.org) \* PHONE: 941.748-4501 x6878 \* FAX: 941.749-3071

**ORDINANCE 13-24  
NORTHWEST SECTOR, DRI #26**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES, FOR THE NORTHWEST SECTOR DEVELOPMENT OF REGIONAL IMPACT (DRI #26) A/K/A TBRPC DRI # 256; TO APPROVE THE FOLLOWING CHANGES TO MAP H AND THE DEVELOPMENT ORDER: UPDATE THE PHASING AND BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS; UPDATE CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS THEREIN; ELIMINATE THE MINIMUM AND MAXIMUM ENTITLEMENTS AND CLARIFY PROCEDURES FOR A LAND USE EXCHANGE; MODIFY CERTAIN CONDITIONS CONSISTENT WITH CURRENT DEPARTMENTAL PRACTICES AND OTHER AMENDMENTS FOR INTERNAL CONSISTENCY; PROVIDING FOR DEVELOPMENT CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 2<sup>nd</sup>, 2005 SMR North 70, LLC, Equitable National Property Company, L.L.C., FC, L.L.C., Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc. submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA\*) for 4,422 residential units; 200,000 square feet of retail; 105,000 square feet of office; a 120 bed group care home (a.k.a.: assisted living facility); and ±19.2 acres of neighborhood parks; with approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses within specific ranges; as legally described in Section 7, referred to as Northwest Sector DRI, or the Project\*; and

**WHEREAS**, on November 1, 2007 the Board of County Commissioners ("BOCC") approved Ordinance 07-68, a Development Order ("DO") for the Northwest Sector DRI for a planned mixed use development on approximately 1,518.9 acres ; and

**WHEREAS**, Specific Approval was granted for Phase 1 for 3,000 residential units, 200,000 square feet of retail, 105,000 square feet of office and 9.2 acres of park; and

**WHEREAS**, Conceptual approval was granted for Phase 2 and in the future, Specific approval of Phase 2 will be contingent upon submittal of further transportation and air quality analyses in accordance with Section 380.06, F.S.; and

**WHEREAS**, on May 9, 2013, SMR North 70,LLC filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a Notice of Proposed Change, but, requires the application to the local government to amend the development order in accordance with the local government's procedure; and

**WHEREAS**, the described Project\* lies within the unincorporated area of Manatee County; and

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06(19)(e)2, Florida Statutes, has the statutory authority to consider and approve amendments to a Development Order for an approved DRI; and

**WHEREAS**, the public notice requirements of Manatee County and Chapter 380.06, Florida Statutes, have been adhered to and satisfied; and

**WHEREAS**, the Manatee County Planning Commission after due public notice, held a public hearing on July 11, 2013 regarding Ordinance 13-24 and has solicited, received, and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County agencies, the applicant and the review and report of Manatee County staff; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on August 6, 2013 regarding Ordinance 13-24 and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, the recommendation of the Planning Commission and the review and report of the Manatee County Building and Development Services Department.

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

**SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI# 26, ORDINANCE 07-68.**

Ordinance 07-68 is hereby amended and restated in its entirety below. This ordinance constitutes the amended and restated Development Order for the Northwest Sector Development of Regional Impact. The prior Development Order shall be superseded by this Ordinance, provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(5), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

**SECTION 2. FINDINGS OF FACT.**

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for an amended Development Order the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this amendment to the Development Order to amend Zoning Ordinance PDMU-05-19(G)(R4) (as amended by PDMU-05-19(G)(R5) and PDMU-05-19(G)(R6) , and the General Development Plan for the entire ±1,518.90 acre Project\*. It shall be effective 45 days after the filing of this Ordinance with the Department of State and the Department of Economic Opportunity, State of Florida.
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application to amend the Development Order as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes.
- D. The Board of County Commissioners held a public hearing on August 6, 2013 regarding the application to amend the Development Order, in accordance with the requirements of the 2020 Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- E. Manatee County has adopted the 2020 Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, and drainage in compliance with state requirements.
- G. This Development Order is issued based on information provided by the Developer\* in the ADA\* (with the sufficiency responses) and this application to amend the Development Order; public hearing testimony; data, information, and recommendations provided by the Planning Commission and Building and Development Services staff, and ensures continued compliance with the Manatee County Comprehensive Plan.

- H. The real property which is the subject of this ADA\* and Development Order is legally described in Section 8 of this Ordinance.
- I. The Project\* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent and address for the Project\* is Todd J. Pokrywa of SMR North 70, LLC, 14400 Covenant Way, Lakewood Ranch, Florida 34202.
- K. The owners of the property are SMR North 70, LLC, Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc.

### **SECTION 3. CONCLUSIONS OF LAW.**

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners concluded that:
  - 1. The Project\* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
  - 2. The Project\* is consistent with the local land development regulations and consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01, the 2020 Manatee County Comprehensive Plan, (as amended).
  - 3. The Project\*, as conditioned by this Development Order, is consistent with the report and recommendations of the Building and Development Services Department.
  - 4. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
  - 5. The review by the County\*, and interested citizens demonstrates that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380.06, Florida Statutes, within the terms and conditions of this Development Order, and the ADA\* as amended by this request to modify the Development Order. To the extent that the ADA\* is inconsistent with the terms

and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

**SECTION 4. DEVELOPMENT COMPONENTS:**

A. This Development Order approval shall constitute approval of the application to amend the Development Order subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below unless such development totals have been amended through the procedure as set forth under subsection E below.

B. Phase I of the Project\* is specifically approved subject to the conditions found within the Development Order and a Certificate of Level of Service for all services, except potable water and sewer has been issued for the land uses listed in Phase I (defined herein) and in Zoning Ordinance PDMU-05-19(G)(R6). Potable water and sewer concurrency will be reviewed at time of each Final Site Plan or Final Plat submittal.

Phase II is conceptually approved. Specific approval\* of Phase II is contingent upon submittal of further transportation and air quality analyses, in accordance with Section 380.06, F.S. The Developer\* shall provide full ADA\* responses regarding transportation when seeking specific approval\* of Phase II. This shall include the prior conduct of a transportation methodology meeting to reach agreement with all appropriate transportation review entities as to the terms, variables, and assumptions to be utilized in the transportation analysis. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to Phase II or Rule 73C-40.048 , FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity will also be required.

C. Approval of Phase II will also require review and approval of a revised Zoning Ordinance to be approved by the Board of County Commissioners.

D. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order and subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application.

E. Development Totals:

**TABLE 1: DEVELOPMENT TOTALS**

LAND USE	PHASE I (2007- 2022)*# Base Entitlements			PHASE II (2009- 2026)*	TOTAL
----------	---	--	--	------------------------------	-------

<b>RESIDENTIAL</b>					4,422
Single-Family (s.f.)	2,650			1,422	4,072
Multi-Family (m.f)	350			0	350
<b>RETAIL</b> (square feet)	200,000			0	200,000
<b>OFFICE</b> (square feet)	105,000			0	105,000
<b>PARK</b> (acres)	9.2			10	19.2

\* The phasing buildout dates shall be March 22nd of the years indicated and include legislatively approved extensions (SB 360 and SB 1752) for Phase I and (HB 7207 and F.S.252.363) for Phases I and II.

# Includes the option for a group care facility as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

1. The Land Use Equivalency Matrix, below, allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented below are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer\* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service (CLOS) issued for that phase or subphase. The Developer\* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer\* may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer\* to lose capacity already approved for the Project\*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS. At time of Final Site Plan approval, potable water, wastewater treatment, and

schools shall be analyzed, and a CLOS will be issued for those concurrency components.

3. An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan. Any land use exchanges must be approved by the Board of County Commissioners following an advertised public hearing.
4. Upon approval of a Land Use Exchange, County staff shall provide to the Florida Department of Economic Opportunity (DEO) and the Tampa Bay Regional Planning Council (TBRPC) a copy of said approval.
5. The DRI biennial report shall include information indicating implementation of the matrix as well as cumulative amounts of development which have been approved by the County as of the biennial report date.
6. The Land Use Equivalency Matrix (LUEM), Table 2, is as follows:

F. Land Use Equivalency Matrix:

**TABLE 2: LAND USE EQUIVALENCY MATRIX**

CHANGE FROM:	CHANGE TO:				
	Residential/ SF Detached (Units)	Residential/ Apartment (Units)	COMMERCIAL (Sq. Ft.)	OFFICE (Sq. Ft.)	ASSISTED LIV. FAC. (Beds)
Residential/S.F. Detached (Units)		1.42	202.00	255.00	3.24
Residential/Apartment(Units)	0.65		132.00	165.00	2.11
Commercial(1,000 Sq. Ft.)	2.73	3.88		1,271.00	16.20
Office (1,000 Sq. Ft.)	0.47	0.68	176.00		3.30
Assisted Living Facility* (Beds)	0.14	0.20	51.00	79.00	

**SECTION 5. DEFINITIONS.**

The definitions contained in Chapter 380, Florida Statutes, the 2020 Manatee County Comprehensive Plan, and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- A. "Application for Development Approval\*" or "ADA\*" shall mean the NW Sector Development of Regional Impact Application for Development Approval\* (March 2, 2005), and the sufficiency responses submitted on July 15, 2005, October 31, 2005, and January 27, 2006.
- B. "ALF" shall mean an Assisted Living Facility and may also be referred to as "ACLF" Adult Congregate Living Facility or Group Care Home.
- C. "Best Management Practices\*" shall mean the method or combination of methods determined after problem assessment and examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and may vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- D. "County\*" shall mean Manatee County, a political subdivision of the State of Florida.
- E. "Conceptual Approval" shall mean general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.
- F. "Developer\*" shall mean SMR North 70, LLC; Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project\* and all conditions of approval.

- 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 Commitment\*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer\*, for construction with funding provided within one year.
- I. "Group Care Home" shall also mean Assisted Living Facility (ALF) or Adult Congregate Living Facility (ACLF).
- J. "Master Drainage Plan\*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project\* as follows:
1. existing topography;
  2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development\*; existing and developed drainage basins, with their direction of outfall;
  3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
  4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- K. "Project\*" shall mean the land uses by area, square footage, density, and phase described in the ADA\* to be constructed on the real property described in Section 8 herein.
- L. "Specific Approval" shall mean ADA approval for Phase I only. Specific Approval\* of Phase II will be contingent upon submittal of further transportation and air quality analysis in accordance with Section 380.06, F.S., with a requirement for the prior conduct of a transportation methodology meeting. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to proposed Phase II or Rule 73C-40.048, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity is also required. Specific Approval\* herein should not be confused with Specific Approval\* as defined in the Manatee County Land Development Code.

- M. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

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 6. DEVELOPMENT CONDITIONS:

THE NORTHWEST SECTOR DRI, IS SPECIFICALLY APPROVED FOR PHASE I DEVELOPMENT AND CONCEPTUALLY APPROVED FOR PHASE II DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

### Transportation

- A.(1) The Northwest Sector DRI development will have an impact on several regionally significant roadway facilities within the primary impact area. Transportation Conditions Tables 5 and 6 (below) identify the improvements associated with Phase I approval.

**TABLE 5  
PHASE I LINK IMPROVEMENTS**

#### ROADWAY SEGMENTS

Link	From/To	Improvement	External Trip Threshold*
SR 64	39th St/Morgan Johnson Road	6-lanes	1,881
SR 64	Lena Rd/Lakewood Ranch Blvd	6-lanes	514
SR 70	Tara Blvd/I-75 West	6 lanes with continuous E and W right turn or drop lanes	1,822
Lakewood Ranch Blvd	SR64/Center Ice Pkwy	4-lanes	1,148

\* Threshold volume is based upon the number of net external trips at which Project traffic becomes significant (at least 5%) on the affected roadway segment.

**TABLE 6**  
**PHASE I INTERSECTION IMPROVEMENTS**

**INTERSECTIONS**

<b>Roadway</b>	<b>Intersection</b>	<b>Improvement</b>	<b>External Trip Threshold</b>
SR 70	US 301	Add 2 <sup>nd</sup> EBL and one Thru lane to all approaches	2,610
SR 70	45th St E	Add SBR, 2 <sup>nd</sup> NBL, and 2 <sup>nd</sup> WBL	1,041
SR 70	Caruso Road	Add NB Left	2,577
SR 70	Tara Blvd	Add WB Thru Lane to result in 8 thru lanes	2,159
SR 70	I-75 West	Add EB Thru Lane to result in 8 thru lanes	2,257
SR 70	Pope Road	Signalize When Warranted	N/A
SR 70	87 <sup>th</sup> St E	Add EB & WB Thru Lanes	2,083
SR 64	Morgan Johnson Road	Add EB and WB Thru Lane to result in 6 thru lanes	2,126
SR 64	27th St	NBL	3,041
SR 64	I-75 East	Add 2 <sup>nd</sup> EBL and NB receiving lane	1,603
SR 64	Lakewood Ranch Blvd	Add 2nd EBL, 2nd WBL, and 2nd NBL and Add one Thru lane to NB approach, Add NB and SB Receiving lanes	164
SR 64	Rye Road	Add SBR and Signalize	733
Lakewood Ranch Blvd	44th Avenue E.	Signalize When Warranted	N/A
Lakewood Ranch Blvd	Malachite Drive	Signalize When Warranted	N/A
University Parkway	Honore Avenue	Add 2nd WBL	1,439
University Parkway	I-75 East	Add 3rd NBL	2,388
University Parkway	Market Street	Add 2nd NBL	2,093
Lorraine Road	SR 64	Add a NBL and Signalize	1,714

NB means northbound, WB means westbound, SB means southbound, and EB means eastbound.

- A.(2) Because the transportation improvements identified above have a "trip trigger", a monitoring program is necessary to verify that the actual number of trips generated accurately reflects the transportation analysis and subsequently required improvements. This monitoring program requires driveway counts at all project entrances with public roadways (including SR 70, Lakewood Ranch Road, and Lorraine Road). The monitoring program shall commence one year after issuance of the first Certificate of Occupancy or first Final Plat, whichever occurs first, for Phase I. Monitoring shall continue on an annual basis for each access point until the trip improvement threshold is reached.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at all project entrances at public roadways (including SR 70, Lakewood Ranch Road and Lorraine Road). Only turns to and from the project entrances need to be counted (through volumes on the public roadways will not be required). 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 total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Northwest Sector DRI.

Total PM peak hour project traffic for Phase I is estimated to be 3,340 net external, 240 pass-by, 384 internal trips, and 256 diverted trips; 4,220 total trips.

The required monitoring data shall be included in each report. If monitoring results demonstrate that the project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis (as stated above) or the required report is not submitted within 30 days of its due date, Manatee County will issue no further development permits and conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), F.S. As a result, the County may amend the Development Order to change or require additional roadway improvements. The revised transportation analyses, if required, shall be subject to review by all appropriate review entities.

- A.(3) In the event that total external p.m. peak hour trips exceed the threshold levels described in Tables 5 and 6, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless an analysis is submitted which identifies the revised number of total

external p.m. peak hour trips after which the required improvement would be required, according to the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels.

- A.(4) With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which shows the following:
1. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 5 or Table 6 are reached; and
  2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.
- A.(5) Prior to approval of Phase II, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of this phase.
- A.(6) As part of Phase II approval, the Developer shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC. The TSM program shall include a biennial assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report.
- A.(7) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.
- A.(8) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A.(9) Provisions shall be made for the construction of all internal collector roads as shown on DRI Map H. Roads shall be constructed at the cost of the Developer, or other appropriate entity, prior to Development Approval of development requiring access on that

roadway. This dedication/construction shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law. Right-of-way along 44<sup>th</sup> Avenue and Pope Road will be dedicated to Manatee County by the Developer prior to or in conjunction with any Preliminary Site Plan or Preliminary Plat approvals adjacent to or encompassing such roadways, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be impact fee creditable to the extent permitted by the Manatee County Land Development Code and applicable law.

A.(10) There shall be bicycle and/or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards

A.(11) The Developer shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project.

A.(12) Center Ice Parkway is planned as a Collector Roadway to be extended to Lorraine Road and beyond to the east. The exact alignment has not yet been determined. Therefore, no Preliminary Site Plan may be approved for any development in those portions of Parcels G-5, G-6, G-7, G-9, H, or I set forth on Exhibit B identified as "Potential Center Ice Parkway Right of Way" until Manatee County has completed a Corridor Route Study for the extension of Center Ice Parkway. . Manatee County has estimated that it will complete the corridor study no later than May 31, 2008. In the event Manatee County does not complete the corridor study by May 31, 2008 Manatee County shall retain full authority to review and take action on the above-described PSP. The Lakewood Ranch Stewardship District, at its option, may conduct the Corridor Route Study. If this option is exercised, the Lakewood Ranch Stewardship District shall submit the completed study for the County to review at least 30 days prior to the May 31, 2008 deadline. (Completed)

The Developer shall be responsible for the construction of Center Ice Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.

A.(13) Improvements made pursuant to a proportionate fair share mitigation ordinance adopted by Manatee County on November 7, 2006 shall satisfy the requirements for mitigation of the project Phase I transportation impacts. (LDA-10-01 implements the applicant's proportionate fair share contributions for Phase 1

mitigation.)

### **Vegetation, Wildlife, and Wetlands**

- B.(1) No impacts to Natural Resources of Regional Significance (NRRS) as defined by TBRPC are proposed by this project. Impacts to Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC's Final Report of the Northwest Sector DRI, adopted April 10, 2006, shall only occur if justified pursuant to *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* Policy 4.5.2. Mitigation for justifiable impacts to Natural Resources of Regional Significance shall meet the ratios set forth in that policy and Policy 4.5.6; i.e., 2 created : 1 impacted for Special Habitats (Strategic Habitat Conservation Areas and Priority Wetlands); 3 created : 1 impacted for Riverine Habitat; and twice that amount if mitigation is in the form of restoration of disturbed habitat of a similar nature, at minimum.
- B.(2) In the event that any state or federally-listed species are discovered breeding on-site during project development, the Developer\* shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- B.(3) Nuisance and exotic plant species shall be removed from upland areas of the project site during site development. A plan shall be developed to address how the preserved areas will be managed to limit nuisance and exotic species. The plan shall be submitted to Manatee County for approval with the first Final Site Plan or Final Plat for vertical development. **(Completed)**
- B.(4) As committed, the applicant shall preserve and protect all wetlands except where roadway crossings are unavoidable. Unavoidable impacts to wetlands may be mitigated using credits from the Long Swamp Ecosystem Management Plan (ADA/Page 13.3).
- B.(5) Preliminary and Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagles published by the U.S. Fish and Wildlife Service, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval.

- B.(6) The natural wildlife corridor existing along Wolf Slough shall be maintained and protected by placing the area in a conservation easement. Wildlife passage ways shall be incorporated into the roadways designed to cross this corridor as approved by appropriate state, regional, and local agencies.
- B.(7) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use. No new clearing of tree or preservation areas shall be permitted for any new agricultural uses.
- B.(8) All proposed nature trails, board walks, and shade structures located in wetlands, wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees or areas of significant vegetation and in accordance with Section 719 of the Manatee County Land Development Code. No nature trails, board walks, or shade structures shall be constructed within preserved wetlands in the areas shown as Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC’s Final Report of the Northwest Sector DRI, adopted April 10, 2006.
- B.(9) A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County prior to or concurrent with Final Plat approvals.
- B.(10) The Developer\* shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan for approval by Manatee County. **(Completed)**
- B. (11) The following Pine Mesic Oak (414) and Pine Flatwood (411) Communities shall be preserved, and further stipulated:

FLUCFCS Code	Pre-Construction	Post-Construction		Habitat (w/in Wetland Buffers)		Habitat (w/in Upland Conservation)	
	Acreage	Acreage	Percentage (of habitat remaining)	Acreage	Percentage (of habitat w/in buffers)	Acreage	Percentage (of habitat w/in conservation)
411	117.8	21.7	18.4%	12.4	22.8%	7.0	14.5%
414	59.9	31.7	52.9%	12.9	23.7%	16.0	29.4%
<b>Total</b>	<b>177.7</b>	<b>53.4</b>	<b>30.1%</b>	<b>25.3</b>	<b>47.4%</b>	<b>23.9</b>	<b>44.8%</b>

<b>Area</b>	<b>411</b>	<b>414</b>	<b>Total</b>
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Wetland Buffers	12.4	12.9	25.3
Perimeter Buffers	1.4	2.8	4.2
Upland Preservation Areas	7.9	16.0	23.9
Total	21.7	31.7	53.4

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

### **Soils**

- C.(1) Best Management Practices, including those identified in the ADA\*, shall be employed during site preparation and construction to prevent soil erosion.

### **Air Quality**

- D.(1) Best Management Practices\*, including those identified in the ADA\*, shall be employed during site preparation and construction to minimize air quality impacts.
- D.(2) The developer shall provide full ADA\* responses for Air Quality when seeking specific approval\* of Phase II.

### **Water Quality and Stormwater Management**

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to meet or exceed the requirements for development within the Evers Reservoir Watershed Overlay. Upland habitat within 50 feet of the contiguous wetland system draining to the upper Braden River shall be preserved to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices\*, including those which prevent construction-related turbidity.
- E.(3) Because the project is partially within the Wolf Slough/Evers Reservoir basin, an integrated pest management program shall be implemented to minimize the use of fertilizers and pesticides, and the design and construction techniques listed below shall be

utilized:

- ensuring that ponds and swales are properly grassed; and
- implementation of a site-specific surface and groundwater quality monitoring system, through the Environmental Monitoring Plan.

- E.(4) The Developer\* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(5) Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Planning Department.
- E.(6) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- E.(8) The applicant shall implement resident education advocating surface water protection.
- E.(9) Low impact development techniques shall be used throughout the development, particularly in areas draining to the Evers Reservoir. These techniques may include, but are not limited to, the following:
- Retention of the maximum amount of existing native vegetation;
  - Shallow vegetated swales in all areas, including parking;
  - Appropriate Florida-friendly plant selections;
  - Small, recessed garden areas throughout landscaped areas;
  - Porous pavement and other pervious pavement technologies; and
  - Stabilized grass areas for overflow parking.
- Specific requirements for implementation of these techniques shall be stipulated in the accompanying Zoning Ordinance.
- E.(10) Prior to construction of individual parcels, or portions thereof, as shown on the General Development Plan, the applicant must provide a plan in conjunction with Preliminary or Final Site Plan submittal and approval detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written

commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. .

- E.(11) All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.
- E.(12) Compensation for the loss of 100-year flood storage capacity shall be provided.
- E.(13) Manatee County Environment Management Department (MCEMD) has reviewed and approved the groundwater quality monitoring plan submitted for the Northwest Sector DRI. This approval is contingent upon the following requirements:
- The Developer\* shall ensure the protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to MCEMD.
  - Should the land use change significantly or should the baseline monitoring reveal exceedances that would merit additional monitoring measures, MCEMD may require the monitoring plan to be modified accordingly.
  - If monitoring activities do not begin in a timely manner, MCEMD may require the monitoring plan to be modified accordingly.

### **Historical and Archaeological Sites**

- F.(1) Any significant historical or archaeological resources discovered during project development shall be reported to the Florida Division of Historical Resources (FDHR) and the disposition of such resources shall be determined in cooperation with the FDHR and Manatee County.

### **Water**

- G.(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- G.(2) The Developer\* shall be required by Manatee County ordinances, to extend potable water service to each phase or subphase of the Project\* to assure that adequate potable water capacity exists to accommodate the Project\*.

The Developer\* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance

with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

- G.(3) The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
- G.(4) The Developer\* has committed to the following:
- utilization of a non-potable water system for all landscaped areas;
  - use of native vegetation or drought-resistant vegetation in landscaped areas and the single-family residential portion of development; and
  - the re-establishment of the previously cleared tree canopy, where possible.
- G.(5) The Developer\* shall obtain verification of adequate water supply availability and service concurrent with the request for specific approval\* of Phase II.
- G.(6) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(7) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(8) Florida-friendly landscaping principles shall be used throughout the development.
- G.(9) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- G.(10) Conservation education shall be provided for the residents and other users of the development.
- G.(11) Total potable water use for the residential development shall not exceed 150 gallons per capita per day.

**Wastewater**

- H.(1) The Developer\* shall be required by Manatee County ordinances, to expand wastewater service to each phase or subphase of the Project\* to assure that adequate wastewater capacity exists to accommodate the Project.\*
- H.(2) No septic tanks are permitted within the Evers Watershed. No permanent septic tanks shall be permitted outside of the Evers Watershed.

**Solid Waste**

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer\* shall be required by Manatee County ordinances, to extend solid waste service to each phase or subphase of the Project\* to assure that adequate solid waste capacity exists to accommodate the Project\*.

**Recreation and Open Space**

- J.(1) Greenways and environmentally-sensitive features shall be maintained by the Developer\* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies.
- J.(2) As committed, the Developer\* shall provide a 9.2-acre private park, a community center, a tot-lot (separate from the park), and recreation trails (near the wetlands along the project's eastern boundary). The park shall include a multiuse sports field, an open-air pavilion, and restrooms. (Completed) In addition, a further 10 acres of parks will be located east of Pope Road (at a location to be determined with the first Preliminary Site Plan).

**Health Care, Police, and Fire**

- K.(1) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer\* may, with the approval of the County\*, satisfy this

obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to the approval of the first Preliminary Site Plan, Final Site Plan, or Final Plat for Vertical Development\* for Phase I or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project\* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. (Completed)

- K.(2) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire services or any combination thereof. The Developer\* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share for each Phase, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for each Phase. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. (Completed)
- K.(3) The applicant shall pay Manatee County EMS impact fees based on the Nursing Home rate for any Assisted Living Facility or Group Care Home facility constructed within the project.
- K.(4) As agreed upon, the applicant shall use applicable Fire Wise principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems. Such practices shall be described on the Landscape Plans of each Final Site Plan.

#### **Hurricane Preparedness**

- L.(1) The Developer\* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

#### **Affordable Housing**

- M.(1) Reanalysis of affordable housing associated with Phase II shall be

required if non-residential uses are added to proposed Phase II and/or Rule 73C-40.048, FAC is modified regarding affordable housing.

### **Energy**

- N.(1) The Developer\* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.

### **General Conditions**

- O.(1) Should development of Phase I 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.
- O.(2) Specific Phase II approval shall be contingent upon further transportation and air quality analyses (if appropriate) submitted in accordance with Subsection 380.06, F.S., and verification of water supply availability.
- O.(3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by 2022. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development\*.
- O.(4) Any approval of the Northwest Sector shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S., and the following provisions of the Florida Administrative Code (F.A.C.): Rule 73C-40.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 73C-40.043 (Archaeological and Historical Resources Uniform Standard Rule); Rule 73C-40.044 (Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule); Rule 73C-40.045 (Transportation Uniform Standard Rule); and 73C-40-048(Adequate Housing Uniform Standard Rule).
- O.(5) All of the Developer's\* commitments set forth in the ADA\* and subsequent Sufficiency Responses shall be honored as Development Order Conditions, except as they may be superseded by specific terms of the Development Order. Such developer commitments have been summarized in Section 7 of this Development Order.
- O.(6) Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement

actions, shall be paid to the TBRPC by the Developer\* in accordance with Rule 73C-40.0252, FAC.

- O.(7) The Developer\*, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes\* to the County\*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on even number years commencing September 9, 2008 until such time as all terms and conditions of this Development Order are satisfied. Ten (10) copies of this report shall be submitted to the Director of the Manatee County Building and Development Services Department 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 County Commission should the Building and Development Services Department Director decide further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:
- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
  - b. A summary comparison of development activity proposed and actually conducted for the year;
  - c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer\*;
  - d. Identification and intended use of lands purchased, leased, or optioned by the Developer\* adjacent to the land encompassed by the Development Order for the Project\*;
  - 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 Application for Development Approval\* and which have been identified by the County\*, TBRPC, or DEO, as being significant;
  - f. Any known incremental DRI Applications for Development Approval\* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development\* since the Development Order was issued
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines, as applicable
- l. An updated map showing the locations and acreage of upland and wetland preservation; and,
- m. Any other information required pursuant to general law.

#### **SECTION 7. DEVELOPER\* COMMITMENTS:**

The following are developer commitments set forth in the Application for Development Approval\* (ADA\*) and Sufficiency Responses\* (SR) which shall be honored by the Developer\*, except as they may be superseded by specific terms of the Development Order.

#### **GENERAL**

1. Borrow pits will be incorporated into the site design to create focal points and separation between housing products. (ADA/Page 10.2)
2. The commercial/office area [located internal to the Project\* east of Pope Road] will be connected to pedestrian and bike routes; it will have appropriate facilities for pedestrians and cyclists (such as bike racks); it will be designed for pedestrian use and orientation; and will be built on a neighborhood scale. (SR1/Page 10.16)
3. It is noted that utilities will be reanalyzed based on the current operating conditions at the time of application for a land use exchange and that utility capacities for any land use exchanges are not guaranteed at this time. (SR2/Page 10.1)
4. All retail space constructed in the Northwest Sector DRI will be "Neighborhood Retail." (SR2/Page 10.6)

**VEGETATION AND WILDLIFE**

1. The Northwest Sector DRI will incorporate elements of the natural on-site systems and features into the project design. Except for necessary roadway crossings, the on-site wetlands will be retained in their natural state or enhanced. Any necessary wetland impacts will be appropriately mitigated. (ADA/Page 10.15)
2. Existing upland plant communities will be incorporated into wetland and other buffers as much as practicable. (ADA/Page 12.5)
3. A management plan for the protection of this species (bald eagle) will be prepared in coordination with the U.S. Fish & Wildlife Service prior to any development within 1,500 feet of the nest. (ADA/Page 12.8)
4. A detailed gopher tortoise survey utilizing the methodology pursuant to the Florida Fish and Wildlife Conservation Commission will be completed within appropriate habitat types prior to submittal of the first Preliminary Site Plan. If it is determined that five or fewer tortoises are found within the project area, then the tortoises will be relocated on-site within a preserved area of suitable habitat, however, if the remnant population is greater than five, then a relocation or incidental take permit may be obtained, dependent on the suitability of available relocation sites. (ADA/Pages 12.8-12.9 & SR1/Page 12.4)
5. The land-use plan will also include the preservation of all significant wetland systems on the site. (ADA/Page 12.12)
6. The majority of on-site wetlands are proposed to be preserved, along with 30 or 50 foot wide upland buffers, thereby preserving the foraging and potential nesting habitat these areas currently provide. (ADA/Page 12.12)
7. Management plans for the gopher tortoise will be developed as more detailed surveys are performed and reveal specific populations, if found within the project boundaries. (ADA/Page 12.12)
8. Invasive/nuisance vegetation or food crops [within wetland buffer areas] will be removed through a mix of manual/mechanical techniques. Supplemental planting or seeding with native vegetation will occur as needed to restore the buffer to a native community. (SR1/Page 10.1)
9. In accordance with TBRPC Policy 4.5.1, the slough along the eastern boundary (mapped as 615) ["Stream and Lake Swamps"] will be preserved. No impacts are proposed to this area, which is classified as an area of Regional Significance. To prevent potential secondary impacts, a 50-foot upland buffer will be established around the wetland system.

(SR1/Page 10.3)]

10. The amount of Pine Mesic Oak to be preserved has been increased to 21%, with the inclusion of the parcel adjacent to SR 70 for preservation. (SR1/Page 10.10)
11. Stormwater ponds will be constructed so that 35% of the required pond area will be littoral zones, and the edges will be graded to a 4:1 slope, suitable for wading birds, alligators, and any other wildlife that may utilize the areas. (SR1/Page 12.5)
12. American alligators on the site were observed in the Kent Borrow pits in the southern region of the parcel. These borrow pits will remain post-development, resulting in no loss of habitat. (SR1/Page 12.5)
13. The individual plant species that were located, which included the wild pine air plant *Tillandsia utriculata*, will be protected by being relocated to wetlands, wetland buffers, or upland conservation areas. (SR2/Page 10.6)
14. The Developer\* has acknowledged the following intended Manatee County stipulations:
  - The developer shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan; (SR3/Page 3)
  - A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval; (SR3/Page 3)
  - Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with Habitat Management Guidelines for the Bald Eagle in the Southeast Region, as amended, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval; (SR3/Page 3) and
  - Prior to Preliminary Site Plan approval, the Developer\*] shall demonstrate avoidance and minimization of all proposed wetland impacts in accordance with Comprehensive Plan Policy 3.3.1.1. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity for the proposed impact. (SR3/Page 3)

## **WETLANDS**

1. The only wetland encroachments proposed are for three roadway crossings. Those minimal impacts can be mitigated through a variety of options including the restoration of degraded wetlands. (ADA/Page 10.13)

2. Hydroperiods of on-site wetlands will be maintained through contributions from the proposed stormwater management system. Upland buffers of 30 feet around preserved isolated wetlands and 50 feet around wetlands contiguous with waters of the state within the Evers Reservoir Watershed Overlay District will be observed, protected, and managed for wildlife habitat value in accordance with the Manatee County LDC. These buffers will remain in native vegetation where found and restored to native condition where habitat has been degraded. (ADA/Pages 13.2-13.3)
3. Wetland areas will be clearly identified in the field prior to initiating construction. Silt fence, or other appropriate erosion control device, will be placed at the limit of the wetland buffers to prohibit encroachment and sedimentation. (ADA/Page 13.4)
4. Stormwater lake littoral shelves within the project area will be planted with at least three species of desirable herbaceous emergent wetland vegetation. Plant materials will be bare root sized and installed on three-foot centers. (ADA/Page 13.5)
5. Wetlands are proposed to remain undisturbed as important amenities to the site plan and will be incorporated into the surface water management plan and dedicated as Wetland Conservation Areas. (ADA/Page 15.2)
6. Wetland compensation for impacts associated with the project will be provided by the withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan detailed in the 'Ecosystem Management Plan' submittal to Manatee County Environmental Management Department on May 4, 1998 and approved by the Southwest Florida Water Management District. (SR1/Page 10.4)
7. The stream swamp system located in the southern region of the parcel, known as Wolf Slough, listed on the map as NW-W59 will also be preserved, as well as any on-site isolated marshes/swamps. Adjacent buffers will be enhanced as needed, in accordance with requirements by Manatee County. (SR1/Page 10.5)
8. The Developer\* proposes to preserve the vast majority of freshwater wetlands on-site. Three impacts in total are proposed to these systems, affecting approximately 0.17 acres out of 138.5 acres, and all impacts were designed to minimize impact areas and utilize previously disturbed areas in order to preserve higher quality systems. (SR1/Pages 10.10 & 13.4)
9. Isolated wetlands will have a buffer of approximately 30-feet in width; linear (or connected) systems within the Evers Reservoir Watershed Overlay District will have a buffer of approximately 50-feet. These areas

will be placed under a conservation easement to protect them from any future land use conversion. As a secondary measure, conservation easement and wetland buffer signs will be installed at key locations to advise those utilizing the area or performing maintenance activities of appropriate restrictions. (SR1/Page 13.1)

10. All wetlands on site will be maintained after development, except for those impacted by road crossings [approximately 0.17 acres], as shown on Map H. (SR1/Page 13.2)
11. During construction, Best Management Practices\*, such as silt fencing, will protect the wetland and wetland buffers from potential secondary impacts. (SR1/Page 26.1)

### **WATER QUALITY**

1. Water quality monitoring will be conducted in accordance with Manatee County's 'Ambient Surface Water Monitoring for Developments' if additional monitoring is deemed necessary or if the Developer\* is requested to participate in a basin study in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired water bodies. (ADA/Page 14.5 & SR1/Page 10.18)
2. A groundwater quality-monitoring plan is being developed and will be submitted at a later date. Per the request of the Florida Department of Environmental Protection, the Developer\* will provide a detailed Environmental Monitoring Plan including a detailed Ground Water Monitoring component (and a Surface Water Monitoring component) with applicable geotechnical studies to DEP for review and approval prior to its implementation and prior to any on-site construction activities. (ADA/Page 14.6)
3. Any potential adverse effects that may result from the discharge of surface drainage from the DRI site will be mitigated by the use of best management practices\* and design guidelines for the planned stormwater management and discharge system. (ADA/Page 14.6)
4. Construction water quality monitoring for turbidity will begin with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies will be initiated and maintained during construction and site development activities. (ADA/Page 14.7)
5. The Developer\* intends to propose and perform baseline water quality monitoring for ambient groundwater conditions... [and] A groundwater monitoring plan will be submitted to MCEMD to initiate, upon approval,

prior to site development activities. The groundwater monitoring program will continue throughout the site development activities to ensure that these activities do not pose any potential adverse effects to the surficial aquifer resources. (ADA/Page 14.7)

6. Concerning the potential for water quality degradation from pollutants that may be generated from stormwater runoff, pet manure and lawn fertilizer, following development of the site, stormwater runoff will drain through a series of mitigative features such as swales, detention/retention basins, and wetlands. (SR1/Page 10.17)
7. This monitoring program will be continued under the implementation of the Environmental Monitoring Plan [EMP] which will provide components for both surface and groundwater quality to monitor the development and post-development activities (SR1/Page 14.1).
8. The EMP plan will be initiated as soon as approved in order to accomplish the pre-construction, groundwater monitoring requirement. (SR1/Page 14.3)
9. The EMP will be submitted to Manatee County and FDEP prior to its implementation and prior to any on-site construction activities. (SR1/Page 14.4)
10. Any wells found on-site will be properly abandoned or permitted for use, as appropriate. (SR1/Page 14.5)

### **SOILS**

1. The Developer\* intends to utilize underdrains to offset such soil limitations presented which will allow for further constructability of the soils for uses such as roadways. Flexible roadways and building foundations will also be utilized to offset swelling and shrinking of soils. (ADA/Page 15.3)
2. Lake bank stabilization will be achieved through the use of temporary seed and mulch until final stabilization can be achieved by means of sodding. (ADA/Page 15.3)
3. Prior to site development, soils testing will be performed to evaluate overall suitability of the soil and identify characteristics of the subsurface site. (SR1/Page 14.4)
4. Within the littoral zones of the lakes, below normal water level, native aquatic plants will be utilized. (SR1/Pages 15.1 & 19.2)

**FLOODPLAINS**

1. Floodplain mitigation areas will be located on-site within the Northwest Sector DRI and will be submitted to the appropriate agencies for approval of their locations. (ADA/Page 16.1 & SR1/Page 16.1)
2. Homes and other structures will be designed and built at elevations that will exceed the mapped 100-year flood levels and the designed flood levels of the onsite stormwater management system. (SR1/Page 10.17)

**WATER SUPPLY**

1. The Project\* will use the lowest quality of water available for irrigation purposes, including non-potable quality groundwater, stormwater, and/or reclaimed water. (ADA/Page 10.13)
2. The planned use for these [six] wells will be as secondary supplements for the non-potable surface water irrigation system administered by Braden River Utilities. (ADA/Page 14.3)
3. No additional wells are proposed on-site. (ADA/Page 17.4)
4. The Developer\* will operate and maintain the non-potable water supply system. (ADA/Page 17.5)
5. The Developer\* will encourage responsible use of water by the occupants. The Developer\* will implement non-potable (irrigation) restrictions to limit the use of non-potable water to conserve water. (ADA/Page 17.6)
6. The Developer\* has taken several steps to minimize the use of water including the following:
  - the utilization of a non-potable water system for all landscaped areas;
  - the use of native vegetation or drought-resistant vegetation in landscaped areas; and
  - the re-establishment of tree canopy that has been previously cleared for agriculture activities where possible. (SR1/Page 10.12)
7. The Developer\* will encourage the use of native, drought tolerant landscaping for the single-family residential portion of the development. (SR1/Page 17.6)

**STORMWATER MANAGEMENT**

1. The project stormwater management system will be integrated into the natural wetlands ensuring that surface and groundwater quality during and after development will meet or exceed all state and local water quality standards. (ADA/Page 10.13)
2. Because portions of this project drains to the Ever's Reservoir, Manatee County has placed a 150% treatment requirement for all post-developed stormwater runoff within the Ever's Reservoir. In addition, due to flooding problems along portions of the Braden River, a 25% reduction in allowable discharge is in place as well. (ADA/Page 19.2)
3. The post-development storm water management system will be designed to avoid adverse impacts to property and environmentally sensitive areas, upstream and downstream of the site. Water Quality and Quantity standards will be achieved through the storm water management system which will be designed in accordance with state and local criteria and will utilize ponds, lakes, littoral zones, wetlands and control structures with skimmers to achieve the following:
  - No de-hydration or flooding of existing wetland systems;
  - Post-developed flows will be attenuated so that no upstream or downstream adverse impacts are created;
  - Storm water treatment to ensure water quality criteria is met in accordance with State and Manatee County standards; and
  - Floodplain management so that no upstream and downstream adverse impacts are created. (ADA/Pages 19.4-19.5 & SR2/Page 19.1)
4. The stormwater management system will be owned and maintained by the Developer\* or assignee. A regular maintenance program will be developed for the site in accordance with SWFWMD and Manatee County. (ADA/Page 19.5)
5. The borrow pit lakes will be maintained as surface water storage areas for the non-potable water system. A portion of the stormwater system will discharge into these lakes. Some minor dressing and reshaping of the banks may occur as needed but no substantial changes are proposed. (SR1/Page 10.7)
6. The project stormwater management system within the Evers Reservoir Watershed Overlay will incorporate this design standard and will provide 150% of the treatment normally required to meet State standards. As a result, the potential transport of nutrients, trace metals, organic detritus and bacteria that may be generated from the aforementioned land uses through these areas is expected to be mitigated. (SR1/Page 10.17)

7. Stormwater ponds will be constructed so that 35% of the required treatment area will be constructed as littoral zones. (SR1/Page 12.6)

### **TRANSPORTATION**

1. Access to the small commercial parcel “will be provided from Pope Road only with no direct access to S.R. 70.” (ADA/Page 10.3)
2. This project will consist of amenities within all components of the development, including sidewalks and bicycle paths, which will allow movement of people by means other than private automobile. (ADA/Page 21.31)
3. The Developer will work with the Community Services Department to provide appropriate infrastructure on Lakewood Ranch Boulevard for transit services. (SR2/Page 9.2)
4. The Developer\* will work with the agency [TBRPC] on the inclusion of an external trip monitoring program for the Project. (SR3/Page 11)

### **AIR QUALITY**

1. The Project\* will utilize approved methodologies for prevention of fugitive dust particles during construction. (ADA/Page 10.13)
2. In order to minimize the amount of fugitive dust, only the individual parcels of land where construction is scheduled to proceed will be cleared. Additional measures to be employed to minimize fugitive dust include sodding, seeding, mulching, or planting of landscaped materials in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1)

### **RECREATION AND OPEN SPACE**

1. A ±10-acre park will be developed on the parcel west of Pope Road (ADA/Page 10.3) and will developed in Phase I (ADA/Page 26.1).
2. The development will include passive and active recreation facilities. These will include a pedestrian and bicycle system along roadways and also a system in conjunction with the wetland system. (ADA/Page 10.10)
3. All open space and recreation facilities within the project\* will be maintained by the Developer\* or successors such as a Homeowner’s Association(s) or Community Development District(s). (ADA/Page 26.1)

4. This project requires a minimum of two parks in accordance with provisions of the Manatee County Comprehensive Plan. The project\* is planned to contain one park. The project will maintain consistency with the Comprehensive Plan by paying Manatee County impact fees for county-wide parks and local parks. (ADA/Page 26.2)
5. Wetlands, wetland buffers, and any proposed upland preservation areas will be placed under a conservation easement to Manatee County and will be protected from any future land use. (SR1/Page 26.1)
6. The only on-site recreation facilities will be a 10-acre private park, the community center, a tot-lot (separate from the park), and recreation trails. Other recreational facilities will be identified as planning and development proceeds. The park will include a multiuse sports field (baseball, softball, football, and soccer), an open-air pavilion, tot lot, and restrooms. The recreation trails will be located along the project eastern side, adjacent to wetlands and preserved uplands. (SR1/Page 26.5)

## **EDUCATION**

1. Two school sites have been provided to the School Board. On September 26, 2005, the Manatee County School District approved the acquisition of 51 acres from the Developer\* north of 44<sup>th</sup> Avenue, between Lakewood Ranch Boulevard and Pope Road, for construction of an elementary and middle school. (SR2/Page 27.1)

## **ENERGY**

1. The developer will encourage the identified energy conservation methods be used by builders in the Northwest Sector DRI. Further, similar to Lakewood Ranch, the Developer\* anticipates that the Northwest Sector Project will be certified as a "green development" by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, Northwest Sector builders will be required to construct energy- and resource-efficient facilities and receive certification from FGBC. (SR1/Page 29.2)
2. The developer is working with TECO/Peoples Gas to insure that natural gas is available within the project. (SR1/Page 29.2)

## **SECTION 8. LEGAL DESCRIPTION:**

### **LEGAL DESCRIPTION PARCEL 1**

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence N04°40'41"E, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of 25°57'27", said curve having a radius of 2,060.00 feet and being subtended by a chord which bears N08°18'02"W, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of 95°42'23", said curve having a radius of 50.00 feet and being subtended by a chord which bears N26°34'26"E, 74.14 feet; Thence N 74°25'37"E, 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of 14°53'05", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N81°52'09"E, 719.53 feet; Thence N00°41'18"W, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of 13°12'59", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears S84°04'49"E, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of 41°16'07", said curve having a radius of 2,940.00 feet and being subtended by a chord which bears N81°53'37"E, 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of 16°32'46", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears N69°31'57"E, 802.91 feet; Thence S12°11'41"E, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of 13°04'19", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N84°20'29"E, 632.31 feet; Thence S89°07'21"E, 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right through a central angle of 41°24'35", said curve having a radius of 50.00 feet and being subtended by a chord which bears N70°10'21"E, 35.36 feet; Thence S89°07'21"E, 808.68 feet; Thence N00°52'39"E, 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of 02°29'11", said

curve having a radius of 2,930.00 feet and being subtended by a chord which bears N88°44'06"E, 127.14 feet to the point of reverse curvature of said curve ; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of 43°45'59", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve; Thence S48°44'31"E, 1,779.99 feet to a point of curvature; Thence 1,253.44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears S60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet; Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet; Thence N67°44'14"W, 65.42 feet; Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less.

TOGETHER WITH:

LEGAL DESCRIPTION PARCEL 2:

A tract of land lying in Sections 7 AND 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2,952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72.98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears S63°45'26"E, 66.67 feet to a point of compound curvature;

Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

#### **SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:**

Physical development of the Project\* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 5 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

#### **SECTION 10. RESTRICTIONS ON DOWN-ZONING:**

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the condition 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 or unit density shall be affected 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 Project\*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

#### **SECTION 11. ORDER BINDING UPON DEVELOPER\*:**

This Order shall be binding upon the Developer\*.

#### **SECTION 12. RENDITION:**

The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer\* and the Florida Department of Economic Opportunity.

#### **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 Building and Development Services Department with 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 law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

#### **SECTION 15. EFFECTIVE DATE:**

This Ordinance, 13-24, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal.

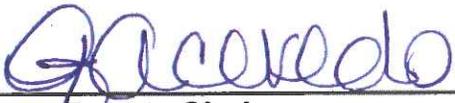
ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS  
6<sup>th</sup> day of August, 2013.

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

BY:   
Larry Bustle, Chairman

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



BY:   
Deputy Clerk

**Exhibits to Ordinance 13-24  
Exhibits A - I and K - M**

**ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS AN  
ATTACHMENT TO THE PREVIOUSLY APPROVED ORDINANCE 07-68,  
APPROVED ON NOVEMBER 1, 2007.**

**EXHIBIT J**

**IS ATTACHED AND TITLED AS FOLLOWS:**

**Exhibit J – Map H, Master Development Plan (Revised June, 2013)**



#256



MANATEE COUNTY  
FLORIDA

January 7, 2013

Darenda Marvin  
Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano, P.L.  
1023 Manatee Avenue West  
Bradenton, Florida 34205

Re: **Northwest Sector DRI # 26 (TBRPC #256)**  
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: PDMU-05-19(G)(R6)/ORD-07-68 (EXT2) DTS #: 20120437

Dear Ms. Marvin:

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

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

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.
- 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 Northwest Sector 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 Northwest Sector 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 SB 360, HB 1752, HB 7207, Wildfire (EO 11-128, EO 11-172, EO 11-202) and the additional Tropical Storm Debby and Isaac extensions (12-140, 12-192, 12-217 and 12-199):

**NORTHWEST SECTOR; DRI #26; ORDINANCE 07-68**  
**TABLE 1: DEVELOPMENT TOTALS**

LAND USE	PHASE I (2007-2020 2022)*# Base Entitlements	Phase I Minimum Entitlements&	Phase I Maximum Entitlements&	PHASE II (2009-2024 2026)*	TOTAL
<b>RESIDENTIAL</b>					4,422
Single-Family (s.f.)	2,650	1,590	2,979&	1,422	4,072
Multi-Family (m.f.)	350	210	490	0	350
<b>RETAIL</b> (square feet)	200,000	120,000	280,000	0	200,000
<b>OFFICE</b> (square feet)	105,000	63,000	147,000	0	105,000
<b>PARK</b> (acres)	9.2			10	19.2

\* The phasing buildout dates shall be ~~November 21st~~ March 22nd of the years indicated.

# Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix. The maximum number of single-family units can only be reached if all other land uses are minimized.

General Conditions

O. (3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by ~~2020~~ 2022.

Notes:

The phase and buildout date extensions reflected herein are also applicable to the corresponding dates shown on the associated Map H.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

**NORTHWEST SECTOR; ZONING ORDINANCE PDMU-05-19(G)(R6)**

<b>TABLE 1 - DEVELOPMENT TOTALS</b>			
<b>TYPE OF DEVELOPMENT: Multi-Use Development.</b>			
Land Use	PHASE I 2007-2020 2022 <sup>1</sup>	PHASE II 2009-2024 2026 <sup>1</sup>	TOTAL
Commercial	200,000 s.f.	0	200,000 s.f.

Office	105,000 s.f.	0	105,000 s.f.
Residential <sup>2</sup>			
Single-family	2,650 units	1,422 units	4,072 units
Multi-family	350 units	0	350 units
Total Residential Units	3,000 units	1,422 units	4,422 units
Recreation (Golf Course)	18 holes	0	18 holes

<sup>1</sup> ~~November 21<sup>st</sup>~~ March 22<sup>nd</sup> of referenced year which includes legislatively approved extensions (SB 360 and SB 1752, HB 7207 and F.S. 252.363) for Phase I.

<sup>2</sup> Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (a.k.a. Assisted Living Facility) beds.

Notes:

The phase and buildout date extensions reflected herein are also applicable to the corresponding dates shown on the associated General Development Plan.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

Please accept this letter as confirmation of the extension. The extensions reflected above for the Northwest Sector 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 Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)

#256



# MANATEE COUNTY FLORIDA

February 10, 2012

Todd Pokrywa  
SMR North 70, LLC  
14400 Covenant Way  
Lakewood Ranch, Florida 34202

Re: Addendum to House Bill 7207 extension granted on 10/20/2011  
**Northwest Sector DRI # 26**  
Request pursuant to F.S. 252.363 F.S. - Tolling & Extension of Permits  
Project Number: PDMU-05-19(G)(R3)/ORD-07-68 (EXT2) DTS #: 20110287

Dear Mr. Pokrywa:

In 2011 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. On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252.363, F.S., allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided. This statute allows for the tolling and extension of development of regional impact buildout 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. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The length of the tolling and the six month extension is 10 months and 21 days (326 days total).

You have applied for extensions of your development approvals under FS 252.363 relative to the Northwest Sector 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 and the six month extension is 10 months and 21 days (326 days total) under FS 252.363. As you have made an application and the development otherwise qualifies, your deadlines for the Northwest Sector DRI Ordinance 07-68 and its associated Zoning Ordinance/General Development Plan PDMU-05-19(Z)(G)(R)(R3) are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous SB 360, SB 1752, and HB 7207 extensions, and the additional F.S. 252.363 extension:

Building and Development Services Department

Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000

WEB: [www.myanatee.org](http://www.myanatee.org) \* PHONE: 941.748.4501 \* FAX: 941.749-3071

**NORTHWEST SECTOR DRI #26 - ORDINANCE 07-68**

- The Phase I buildout date currently expires on 12/31/2019. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/21/2020.
- The Phase II buildout date currently expires on 12/31/2023. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/21/2024.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

Section 5. Development Conditions

General Conditions

- O. (3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by ~~2019~~ 2020. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development\*.

**NORTHWEST SECTOR ZONING ORDINANCE - PDMU-05-19(G)(R4)**

- The Phase I buildout date currently expires on 12/31/2019. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/21/2020.
- The Phase II buildout date currently expires on 12/31/2023. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/21/2024.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Northwest Sector 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 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 Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)

#256



# MANATEE COUNTY FLORIDA

October 20, 2011

Todd Pokrywa  
SMR North 70, LLC  
14400 Covenant Way  
Lakewood Ranch, Florida 34202

Re: **Revised Letter**  
**Northwest Sector DRI # 26 – Ordinance 07-68 and PDMU-05-19(Z)(G)(R)**  
**amended by PDMU-05-19(Z)(G)(R2) and PDMU-05-19(Z)(G)(R)(R3)**  
HB 7207 – 4 year extension of phase, buildout, and expiration dates  
Project Number: PDMU-05-19(G)(R3)/ORD-07-68 (EXT2) DTS #: 20110287

Dear Mr. Pokrywa:

During the 2011 legislative session, the Florida Legislature approved a growth management bill (HB 7207) that included a four year extension, at the option of the developer, of all commencement, phase, buildout and expiration dates for projects that are currently valid Developments of Regional Impact (DRIs) regardless of any previous extensions. The legislation further states that the extension is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation. The legislation requires notification in writing to the local government prior to December 31, 2011 in order to receive the extensions.

You have applied for extensions of your development approvals under HB 7207 relative to the Northwest Sector 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 four years under HB 7207. As you have made an application and the development otherwise qualifies, your deadlines for the Northwest Sector DRI Ordinance 07-68 and its associated Zoning Ordinance/General Development Plan PDMU-05-19(Z)(G)(R) amended by PDMU-05-19(Z)(G)(R2) and PDMU-05-19(Z)(G)(R)(R3) are eligible for the 4 year extension and have been extended as follows, with the dates set forth below reflecting the previous SB 360 and SB 1752 extensions, and the additional HB 7207 extension:

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

**NORTHWEST SECTOR; DRI #26; ORDINANCE 07-68**

**TABLE 1: DEVELOPMENT TOTALS**

LAND USE	PHASE I (2007-2015 2019) <sup>*#</sup> Base Entitlements	Phase I Minimum Entitlements &	Phase I Maximum Entitlements &	PHASE II (2009-2019 2023) <sup>*</sup>	TOTAL
<b>RESIDENTIAL</b>					4,422
Single-Family (s.f.)	2,650	1,590	2,979 <sup>&amp;</sup>	1,422	4,072
Multi-Family (m.f.)	350	210	490	0	350
<b>RETAIL</b> (square feet)	200,000	120,000	280,000	0	200,000
<b>OFFICE</b> (square feet)	105,000	63,000	147,000	0	105,000
<b>PARK</b> (acres)	9.2			10	19.2

\* The phasing buildout dates shall be December 31<sup>st</sup> of the years indicated.

# Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix. The maximum number of single-family units can only be reached if all other land uses are minimized.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

**SECTION 5. DEVELOPMENT CONDITIONS**

**General Conditions**

O. (3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by ~~2011~~ 2019. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development\*.

*Please note that the change to the Phase I buildout date in Condition O. (3) above reflects the SB 360, SB 1752 and HB 7207 extensions. SB 360 and SB 1752 extensions were granted previously, however, a comprehensive update to the ordinance has not yet been processed.*

**NORTHWEST SECTOR; ZONING ORDINANCE PDMU-05-19(G)(R3)**

<b>TABLE 1 - DEVELOPMENT TOTALS</b>			
<b>TYPE OF DEVELOPMENT: Multi-Use Development.</b>			
<b>Land Use</b>	<b>PHASE I 2007-2015-2019<sup>1</sup></b>	<b>PHASE II 2009-2019-2023<sup>1</sup></b>	<b>TOTAL</b>
Commercial	200,000 s.f.	0	200,000 s.f.
Office	105,000 s.f.	0	105,000 s.f.
Residential <sup>2</sup>			
Single-family	2,650 units	1,422 units	4,072 units
Multi-family	350 units	0	350 units
<b>Total Residential Units</b>	<b>3,000 units</b>	<b>1,422 units</b>	<b>4,422 units</b>

<sup>1</sup> December 31<sup>st</sup> of referenced year which includes legislatively approved extensions (SB 360 and SB 1752) for Phase I.

<sup>2</sup> Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (a.k.a. Assisted Living Facility) beds.

**Phase I is the only phase specifically approved, Phase II is conceptually approved.**

Please be aware that the Northwest Sector DRI Zoning Ordinance/General Development Plan PDMU-05-19(G) (R4) is scheduled to go before the Board of County Commissioners on November 3, 2011. This application includes an update to the the phasing table to reflect legislatively approved extensions.

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Northwest Sector 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 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,

A handwritten signature in cursive script that reads "Lisa Barrett".

Lisa Barrett  
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency



MANATEE COUNTY  
FLORIDA

February 22, 2011

Todd Pokrywa, VP of Planning  
SMR North 70, LLC  
14400 Covenant Way  
Lakewood Ranch, Florida 34202

RE: SB 1752 – Extension Request  
Northwest Sector DRI #26  
Ordinance 07-68 and PDMU-05-19(Z)(G)(R2)(EXT)  
DTS # 20100355

Dear Todd:

You have applied for extensions of your development approvals under SB 1752 relative to the Northwest Sector Development of Regional Impact (DRI). Manatee County has determined that if the original deadlines were within the time period from September 1, 2008 and January 1, 2012 and if you make a proper application and meet the other requirements of the law, then the deadlines are extended for two years under the original SB 360 and an additional two years under SB 1752. As you have made an application and the development otherwise qualifies, the deadline has been extended as follows, with the date set forth below reflecting the original SB 360 extension and the SB 1752 additional extension:

- The buildout date for Phase I currently expires on 12/31/2013. With the additional two year extension, the buildout date for Phase I is extended to 12/31/2015.

Please accept this letter as confirmation of the extension. We have made similar extensions for non-DRI developments and do not want the DRIs to be at any competitive disadvantage. At the next NOPC 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.

Sincerely,

Robert Schmitt, AICP  
Planning Division Manager

cc: Avera Wynn, TBRPC  
John Meyer, TBRPC  
Suzanne Fugate, LWR Development  
Lisa Barrett, Manatee County Building and Development Services

Planning Department  
Mailing Address: P. O. Box 1000 \* Street Address: 1112 Manatee Avenue West, 4<sup>th</sup> Floor, Bradenton, FL 34206-1000  
PHONE: 941.749.3070 \* FAX: 941.749.3071  
[www.mymanatee.org](http://www.mymanatee.org)



# MANATEE COUNTY FLORIDA

January 8, 2010

Suzanne Fugate  
Lakewood Ranch Development  
14400 Covenant Way  
Lakewood Ranch, Florida 34202

Re: Northwest Sector DRI #26 – Request for Extension Based on Senate Bill 360

Dear Suzanne:

Your request to extend the buildout date for Northwest Sector DRI is hereby granted. Pursuant to Senate Bill 360 the Northwest Sector DRI (Ordinance 07-68) and its associated Zoning Ordinance/General Development Plan [PDMU-05-19(Z) (G)(R)] are eligible for a two year extension.

The buildout date for Phase I currently expires on 12/31/2011. With the two year extension, the buildout date for Phase I will now have an expiration date of 12/31/2013.

Your request for extension to the deadline for commencement of development has already been complied with per your annual report. Therefore, your request will not be granted.

Please keep a copy of this letter for your records.

If you should have any questions or concerns regarding this matter, please feel free to contact me or Susan Angersoll at (941) 748-4501.

Sincerely,

Lisa Barrett  
Principal Planner

cc: Records File

John Meyer, DRI Coordinator, TBPPC  
Planning Department

Mailing Address: P.O. Box 1000 \* Street Address: 1112 Manatee Ave. W. 4<sup>th</sup> Floor, Bradenton, FL 34205

PHONE: 941.749.3070 \* FAX: 941.749.3071

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



# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

#256

Certified Mail # 7006 0810 0002 8723 1496

November 30, 2007

Mr. John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Boulevard, Suite 100  
Pinellas Park, Florida 33782

Re: Development Order for Schroeder-Manatee Ranch, Inc. /Northwest Sector DRI #26

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 07-68, the DRI Development Order for Schroeder-Manatee Ranch, Inc. / Northwest Sector, DRI #26, as adopted in open session by the Manatee County Board of County Commissioners on November 1, 2007 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/br  
Enclosure

**ORDINANCE 07-68  
NORTHWEST SECTOR, DRI #26**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE NORTHWEST SECTOR DEVELOPMENT OF REGIONAL IMPACT (DRI #26) A/K/A TBRPC DRI # 256; PROVIDING FOR DEVELOPMENT APPROVAL OF PHASE I OF THE NORTHWEST SECTOR DRI; PROVIDING CONCEPTUAL APPROVAL FOR PHASE II; PROVIDING FOR DEVELOPMENT CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 2<sup>nd</sup>, 2005 SMR North 70, LLC, Equitable National Property Company, L.L.C., FC, L.L.C., Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc. submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA\*) for 4,422 residential units; 200,000 square feet of retail; 105,000 square feet of office; a 120 bed group care home (a.k.a.: assisted living facility); and ±19.2 acres of neighborhood parks; with approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses within specific ranges; as legally described in Section 7, referred to as Northwest Sector DRI, or the Project\*; and

**WHEREAS**, the Project\* is proposed in two phases; Phase I with a buildout date of 2011, and Phase II with a buildout date of 2019. Specific approval\* is requested for Phase I for 3,000 residential units, 200,000 square feet of retail, 105,000 square feet of office, and ±19.2 acres of parks. Conceptual approval\* is requested for Phase II. In the future, specific approval\* of Phase II is contingent upon submittal of further transportation and air quality analysis, in accordance with Section 380.06, F.S.

**WHEREAS**, the described Project\* lies within the unincorporated area of Manatee County; and

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve an ADA\* for a DRI; and

**WHEREAS**, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been adhered to and satisfied; and

**WHEREAS**, the Manatee County Planning Commission after due public notice, held a public hearing on September 14, 2006, October 12, 2006, November 9, 2006, January 11, 2007, March 8, 2007, May 10, 2007, July 12, 2007, and

August 9, 2007 to consider the Northwest Section DRI and found the Northwest Sector DRI to be consistent with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, Chapter 380, Florida Statutes, and Rule 9J-2.02, FAC, subject to the conditions of approval established in this development order and recommend approval of Phase I and conceptual approval\* for Phase II of DRI #26; and

**WHEREAS**, the Board of County Commissioners received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC), the Planning Commission, and the Planning Staff; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on October 3, 2006, December 7, 2006, February 1, 2007, April 5, 2007, May 24, 2007, July 12, 2007, September 6, 2007, and November 1, 2007 on the ADA\* and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

**SECTION 1. FINDINGS OF FACT.**

The Board of County Commissioners , after considering the testimony, evidence, documentation, ADA\* (with the sufficiency responses), the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this ADA\* to rezone the parcel from A (General Agriculture), AWP-E (General Agriculture/Evers Reservoir Watershed Protection Overlay District), and AWPE/ST to PDMU (Planned Development Mixed Use), PDMU/WP-E, and PDMU/WPE/ST, and to approve a General Development Plan for the entire ±1,518.90 acre Project\* by the consideration of proposed Ordinance No. PDMU-05-19(Z)(G).
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI as it relates to the real property described in Section 7 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report was rendered on August 9, 2007, following a public hearing.

- D. The Board of County Commissioners held a public hearing on November 1, 2007 regarding the ADA\*, in accordance with the requirements of the 2020 Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- E. Manatee County has adopted the 2020 Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, and drainage in compliance with state requirements.
- G. This Development Order is issued based on information provided by the Developer\* in the ADA\* (with the sufficiency responses); public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Department, and ensures continued compliance with the Manatee County Comprehensive Plan.
- H. The real property which is the subject of this ADA\* and Development Order is legally described in Section 7 of this Ordinance.
- I. The Project\* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent and address for the Project\* is Todd J. Pokrywa of SMR North 70, LLC, 14400 Covenant Way, Bradenton, Florida 34202.
- K. The owners of the property which SMR intends to develop are SMR North 70, LLC, Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc.
- L. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, TBRPC, and DCA in conjunction with the ADA\*, sufficiency responses, and this Development Order.
- M. The TBRPC declared the ADA\* application sufficient on February 24, 2006.

## **SECTION 2. CONCLUSIONS OF LAW.**

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners concluded that:

1. The Project\* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
2. The Project\* is consistent with the local land development regulations and consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01, the 2020 Manatee County Comprehensive Plan, (as amended).
3. The Project\*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on April 10, 2006 regarding this ADA\*.
4. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
5. The review by the County\*, the TBRPC, and other participating agencies and interested citizens demonstrates 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, the ADA\*, and the affordable housing analysis. To the extent that the ADA\* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

### **SECTION 3. DEVELOPMENT COMPONENTS:**

- A. This Development Order approval shall constitute approval of the ADA\* subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- B. Phase I of the Project\* is specifically approved subject to the conditions found within the Development Order and a Certificate of Level of Service for all services, except potable water and sewer, will be issued for the land uses listed in Phase I (defined herein) and in Zoning Ordinance PDMU-05-19(Z)(G). Potable water and sewer concurrency will be reviewed at time of each Final Site Plan or Final Plat submittal.

Phase II is conceptually approved. Specific approval\* of Phase II is contingent upon submittal of further transportation and air quality analyses, in accordance with Section 380.06, F.S. The Developer\* shall

provide full ADA\* responses regarding transportation when seeking specific approval\* of Phase II. This shall include the prior conduct of a transportation methodology meeting to reach agreement with all appropriate transportation review entities as to the terms, variables, and assumptions to be utilized in the transportation analysis. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to Phase II or Rule 9J-2.0248, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity will also be required.

- C. Approval of Phase II will also require review and approval of a revised Zoning Ordinance to be approved by the Board of County Commissioners.
- D. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order and subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application.
- E. Development Totals:

**TABLE 1: DEVELOPMENT TOTALS**

<b>LAND USE</b>	<b>PHASE I (2007- 2011)** Base Entitlements</b>	<b>Phase I Minimum Entitlements<sup>&amp;</sup></b>	<b>Phase I Maximum Entitlements<sup>&amp;</sup></b>	<b>PHASE II (2009- 2019)*</b>	<b>TOTAL</b>
<b>RESIDENTIAL</b>					4,422
Single-Family (s.f.)	2,650	1,590	2,979 <sup>&amp;</sup>	1,422	4,072
Multi-Family (m.f)	350	210	490	0	350
<b>RETAIL</b> (square feet)	200,000	120,000	280,000	0	200,000
<b>OFFICE</b> (square feet)	105,000	63,000	147,000	0	105,000
<b>PARK</b> (acres)	9.2			10	19.2

\* The phasing buildout dates shall be December 31<sup>st</sup> of the years indicated.

# Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix. The maximum number of single-family units can only be reached if all other land uses are minimized.

1. The Land Use Equivalency Matrix, below, allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented below are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer\* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service (CLOS) issued for that phase or subphase. The Developer\* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer\* may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer\* to lose capacity already approved for the Project\*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.
3. An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan. Any land use exchanges must be approved by the Board of County Commissioners following an advertised public hearing.
4. Each conversion request shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval prior to consideration of approval by Manatee County. A maximum of two (2) conversion requests may be submitted within any calendar year.
5. The Land Use Equivalency Matrix (LUEM), Table 2, is as follows:

F. Land Use Equivalency Matrix:

**TABLE 2: LAND USE EQUIVALENCY MATRIX**

CHANGE FROM:	CHANGE TO:				
	Residential/ SF Detached (Units)	Residential/ Apartment (Units)	COMMERCIAL (Sq. Ft.)	OFFICE (Sq. Ft.)	ASSISTED LIV. FAC. (Beds)
Residential/S.F. Detached (Units)		1.42	202.00	255.00	3.24
Residential/Apartment(Units)	0.65		132.00	165.00	2.11
Commercial(1,000 Sq. Ft.)	2.73	3.88		1,271.00	16.20
Office (1,000 Sq. Ft.)	0.47	0.68	176.00		3.30
Assisted Living Facility* (Beds)	0.14	0.20	51.00	79.00	

- G. The following table documents the “minimums” and “maximums” associated with each of the project uses:

**TABLE 3: MINIMUMS AND MAXIMUM DEVELOPMENT**

LAND USE	SPECIFICALLY APPROVED AMT. (PHASE 1)	MINIMUM	MAXIMUM
Residential/Single Family	2,650 Units	1,590 Units	2,979 Units
Residential/Multi-Family	350 Units	210 Units	490 Units
Retail	200,000 Sq. Ft.	120,000 Sq. Ft.	280,000 Sq. Ft.
Office	105,000 Sq. Ft.	63,000 Sq. Ft.	147,000 Sq. Ft.
Assisted Living Facility	0 Beds	0 Beds	120 Beds

#### SECTION 4. DEFINITIONS.

The definitions contained in Chapter 380, Florida Statutes, the 2020 Manatee County Comprehensive Plan, and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- A. "Application for Development Approval\*" or "ADA\*" shall mean the NW Sector Development of Regional Impact Application for Development Approval\* (March 2, 2005), and the sufficiency responses submitted on July 15, 2005, October 31, 2005, and January 27, 2006.
- B. "ALF" shall mean an Assisted Living Facility and may also be referred to as "ACLF" Adult Congregate Living Facility or Group Care Home.
- C. "Best Management Practices\*" shall mean the method or combination of methods determined after problem assessment and examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and may vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- D. "County\*" shall mean Manatee County, a political subdivision of the State of Florida.
- E. "Conceptual Approval" shall mean general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.
- E. "Developer\*" shall mean SMR North 70, LLC; Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project\* and all conditions of approval.
- F. "Development Approval\*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment\*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources

which can include the Developer\*, for construction with funding provided within one year.

- H. "Group Care Home" shall also mean Assisted Living Facility (ALF) or Adult Congregate Living Facility (ACLF).
- I. "Master Drainage Plan\*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project\* as follows:
1. existing topography;
  2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development\*; existing and developed drainage basins, with their direction of outfall;
  3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
  4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- J. "Project\*" shall mean the land uses by area, square footage, density, and phase described in the ADA\* to be constructed on the real property described in Section 7 herein.
- K. "Specific Approval" shall mean ADA approval for Phase I only. Specific Approval\* of Phase II will be contingent upon submittal of further transportation and air quality analysis in accordance with Section 380.06, F.S., with a requirement for the prior conduct of a transportation methodology meeting. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to proposed Phase II or Rule 9J-2.0248, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity is also required. Specific Approval\* herein should not be confused with Specific Approval\* as defined in the Manatee County Land Development Code.
- L. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

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:

THE NORTHWEST SECTOR DRI, IS SPECIFICALLY APPROVED FOR PHASE I DEVELOPMENT AND CONCEPTUALLY APPROVED FOR PHASE II DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

### Transportation

- A.(1) The Northwest Sector DRI development will have an impact on several regionally significant roadway facilities within the primary impact area. Transportation Conditions Tables 5 and 6 (below) identify the improvements associated with Phase I approval.

**TABLE 5  
PHASE I LINK IMPROVEMENTS**

#### ROADWAY SEGMENTS

Link	From/To	Improvement	External Trip Threshold*
SR 64	39th St/Morgan Johnson Road	6-lanes	1,881
SR 64	Lena Rd/Lakewood Ranch Blvd	6-lanes	514
SR 70	Tara Blvd/I-75 West	6 lanes with continuous E and W right turn or drop lanes	1,822
Lakewood Ranch Blvd	SR64/Center Ice Pkwy	4-lanes	1,148

\* Threshold volume is based upon the number of net external trips at which Project traffic becomes significant (at least 5%) on the affected roadway segment.

**TABLE 6**  
**PHASE I INTERSECTION IMPROVEMENTS**

**INTERSECTIONS**

Roadway	Intersection	Improvement	External Trip Threshold	
SR 70	US 301	Add 2 <sup>nd</sup> EBL and one Thru lane to all approaches	2,610	14
SR 70	45th St E	Add SBR, 2 <sup>nd</sup> NBL, and 2 <sup>nd</sup> WBL	1,041	3
SR 70	Caruso Road	Add NB Left	2,577	13
SR 70	Tara Blvd	Add WB Thru Lane to result in 8 thru lanes	2,159	10
SR 70	I-75 West	Add EB Thru Lane to result in 8 thru lanes	2,257	11
SR 70	Pope Road	Signalize When Warranted	N/A	1
SR 70	87 <sup>th</sup> St E	Add EB & WB Thru Lanes	2,083	7
SR 64	Morgan Johnson Road	Add EB and WB Thru Lane to result in 6 thru lanes	2,126	9
SR 64	27th St	NBL	3,041	15
SR 64	I-75 East	Add 2 <sup>nd</sup> EBL and NB receiving lane	1,603	5
SR 64	Lakewood Ranch Blvd	Add 2nd EBL, 2nd WBL, and 2nd NBL and Add one Thru lane to NB approach, Add NB and SB Receiving lanes	164	1
SR 64	Rye Road	Add SBR and Signalize	733	2
Lakewood Ranch Blvd	44th Avenue E.	Signalize When Warranted	N/A	17
Lakewood Ranch Blvd	Malachite Drive	Signalize When Warranted	N/A	18
University Parkway	Honore Avenue	Add 2nd WBL	1,439	4
University Parkway	I-75 East	Add 3rd NBL	2,388	12
University Parkway	Market Street	Add 2nd NBL	2,093	8
Lorraine Road	SR 64	Add a NBL and Signalize	1,714	6

NB means northbound, WB means westbound, SB means southbound, and EB means eastbound.

- A.(2) Because the transportation improvements identified above have a “trip trigger”, a monitoring program is necessary to verify that the actual number of trips generated accurately reflects the transportation analysis and subsequently required improvements. This monitoring program requires driveway counts at all project entrances with public roadways (including SR 70, Lakewood Ranch Road, and Lorraine Road). The monitoring program shall commence one year after issuance of the first Certificate of Occupancy or first Final Plat, whichever occurs first, for Phase I. Monitoring shall continue on an annual basis for each access point until the trip improvement threshold is reached.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at all project entrances at public roadways (including SR 70, Lakewood Ranch Road and Lorraine Road). Only turns to and from the project entrances need to be counted (through volumes on the public roadways will not be required). 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 total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Northwest Sector DRI.

Total PM peak hour project traffic for Phase I is estimated to be 3,340 net external, 240 pass-by, 384 internal trips, and 256 diverted trips; 4,220 total trips.

The required monitoring data shall be included in each report. If monitoring results demonstrate that the project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis (as stated above) or the required report is not submitted within 30 days of its due date, Manatee County will issue no further development permits and conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), F.S. As a result, the County may amend the Development Order to change or require additional roadway improvements. The revised transportation analyses, if required, shall be subject to review by all appropriate review entities.

- A.(3) In the event that total external p.m. peak hour trips exceed the threshold levels described in Tables 5 and 6, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless an analysis is submitted which identifies the revised number of total external p.m. peak hour trips after which the required improvement would be required, according to the new subphase analysis. The

Development Order shall be amended to reflect these revised trip levels.

- A.(4) With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which shows the following:
1. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 5 or Table 6 are reached; and
  2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.
- A.(5) Prior to approval of Phase II, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of this phase.
- A.(6) As part of Phase II approval, the Developer shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC. The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report.
- A.(7) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.
- A.(8) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A.(9) Provisions shall be made for the construction of all internal collector roads as shown on DRI Map H. Roads shall be constructed at the cost of the Developer, or other appropriate entity, prior to Development Approval of development requiring access on that roadway. This dedication/construction shall be eligible for impact fee credits to the extent allowed by the Manatee County Land

Development Code and applicable law. Right-of-way along 44<sup>th</sup> Avenue and Pope Road will be dedicated to Manatee County by the Developer prior to or in conjunction with any Preliminary Site Plan or Preliminary Plat approvals adjacent to or encompassing such roadways, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be impact fee creditable to the extent permitted by the Manatee County Land Development Code and applicable law.

- A.(10) There shall be bicycle and/or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards
- A.(11) The Developer shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project.
- A.(12) Center Ice Parkway is planned as a Collector Roadway to be extended to Lorraine Road and beyond to the east. The exact alignment has not yet been determined. Therefore, no Preliminary Site Plan may be approved for any development in those portions of Parcels G-5, G-6, G-7, G-9, H, or I set forth on Exhibit B identified as "Potential Center Ice Parkway Right of Way" until Manatee County has completed a Corridor Route Study for the extension of Center Ice Parkway. . Manatee County has estimated that it will complete the corridor study no later than May 31, 2008. In the event Manatee County does not complete the corridor study by May 31, 2008 Manatee County shall retain full authority to review and take action on the above-described PSP. The Lakewood Ranch Stewardship District, at its option, may conduct the Corridor Route Study. If this option is exercised, the Lakewood Ranch Stewardship District shall submit the completed study for the County to review at least 30 days prior to the May 31, 2008 deadline.

The Developer shall be responsible for the construction of Center Ice Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.

- A.(13) Improvements made pursuant to a proportionate fair share mitigation ordinance adopted by Manatee County on November 7, 2006 shall satisfy the requirements for mitigation of the project Phase I transportation impacts.

**Vegetation, Wildlife, and Wetlands**

- B.(1) No impacts to Natural Resources of Regional Significance (NRRS) as defined by TBRPC are proposed by this project. Impacts to Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC's Final Report of the Northwest Sector DRI, adopted April 10, 2006, shall only occur if justified pursuant to *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* Policy 4.5.2. Mitigation for justifiable impacts to Natural Resources of Regional Significance shall meet the ratios set forth in that policy and Policy 4.5.6; i.e., 2 created : 1 impacted for Special Habitats (Strategic Habitat Conservation Areas and Priority Wetlands); 3 created : 1 impacted for Riverine Habitat; and twice that amount if mitigation is in the form of restoration of disturbed habitat of a similar nature, at minimum.
- B.(2) In the event that any state or federally-listed species are discovered breeding on-site during project development, the Developer\* shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- B.(3) Nuisance and exotic plant species shall be removed from upland areas of the project site during site development. A plan shall be developed to address how the preserved areas will be managed to limit nuisance and exotic species. The plan shall be submitted to Manatee County for approval with the first Final Site Plan or Final Plat for vertical development.
- B.(4) As committed, the applicant shall preserve and protect all wetlands except where roadway crossings are unavoidable. Unavoidable impacts to wetlands may be mitigated using credits from the Long Swamp Ecosystem Management Plan (ADA/Page 13.3).
- B.(5) Preliminary and Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagles published by the U.S. Fish and Wildlife Service, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval.
- B.(6) The natural wildlife corridor existing along Wolf Slough shall be maintained and protected by placing the area in a conservation easement. Wildlife passage ways shall be incorporated into the roadways designed to cross this corridor as approved by appropriate state, regional, and local agencies.

- B.(7) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use. No new clearing of tree or preservation areas shall be permitted for any new agricultural uses.
- B.(8) All proposed nature trails, board walks, and shade structures located in wetlands, wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees or areas of significant vegetation and in accordance with Section 719 of the Manatee County Land Development Code. No nature trails, board walks, or shade structures shall be constructed within preserved wetlands in the areas shown as Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC's Final Report of the Northwest Sector DRI, adopted April 10, 2006.
- B.(9) A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County prior to or concurrent with Final Plat approvals.
- B.(10) The Developer\* shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan for approval by Manatee County.
- B. (11) The following Pine Mesic Oak (414) and Pine Flatwood (411) Communities shall be preserved, and further stipulated:

FLUCFCS Code	Pre-Construction	Post-Construction		Habitat (w/in Wetland Buffers)		Habitat (w/in Upland Conservation)	
	Acreage	Acreage	Percentage (of habitat remaining)	Acreage	Percentage (of habitat w/in buffers)	Acreage	Percentage (of habitat w/in conservation)
411	117.8	21.7	18.4%	12.4	22.8%	7.0	14.5%
414	59.9	31.7	52.9%	12.9	23.7%	16.0	29.4%
Total	177.7	53.4	30.1%	25.3	47.4%	23.9	44.8%

Area	411	414	Total
Wetland Buffers	12.4	12.9	25.3
Perimeter Buffers	1.4	2.8	4.2
Upland Preservation Areas	7.9	16.0	23.9
Total	21.7	31.7	53.4

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

### **Soils**

- C.(1) Best Management Practices, including those identified in the ADA\*, shall be employed during site preparation and construction to prevent soil erosion.

### **Air Quality**

- D.(1) Best Management Practices\*, including those identified in the ADA\*, shall be employed during site preparation and construction to minimize air quality impacts.
- D.(2) The developer shall provide full ADA\* responses for Air Quality when seeking specific approval\* of Phase II.

### **Water Quality and Stormwater Management**

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to meet or exceed the requirements for development within the Evers Reservoir Watershed Overlay. Upland habitat within 50 feet of the contiguous wetland system draining to the upper Braden River shall be preserved to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices\*, including those which prevent construction-related turbidity.
- E.(3) Because the project is partially within the Wolf Slough/Evers Reservoir basin, an integrated pest management program shall be implemented to minimize the use of fertilizers and pesticides, and the design and construction techniques listed below shall be utilized:
- ensuring that ponds and swales are properly grassed; and
  - implementation of a site-specific surface and groundwater quality monitoring system, through the Environmental

## Monitoring Plan.

- E.(4) The Developer\* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(5) Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Planning Department.
- E.(6) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- E.(8) The applicant shall implement resident education advocating surface water protection.
- E.(9) Low impact development techniques shall be used throughout the development, particularly in areas draining to the Evers Reservoir. These techniques may include, but are not limited to, the following:
- Retention of the maximum amount of existing native vegetation;
  - Shallow vegetated swales in all areas, including parking;
  - Appropriate Florida-friendly plant selections;
  - Small, recessed garden areas throughout landscaped areas;
  - Porous pavement and other pervious pavement technologies; and
  - Stabilized grass areas for overflow parking.
- Specific requirements for implementation of these techniques shall be stipulated in the accompanying Zoning Ordinance.
- E.(10) Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan requires the applicant to file a Notice of Proposed Change.

- E.(11) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report.
- E.(12) All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.
- E.(13) Compensation for the loss of 100-year flood storage capacity shall be provided.
- E.(14) Manatee County Environment Management Department (MCEMD) has reviewed and approved the groundwater quality monitoring plan submitted for the Northwest Sector DRI. This approval is contingent upon the following requirements:
- The Developer\* shall ensure the protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to MCEMD.
  - Should the land use change significantly or should the baseline monitoring reveal exceedances that would merit additional monitoring measures, MCEMD may require the monitoring plan to be modified accordingly.
  - If monitoring activities do not begin in a timely manner, MCEMD may require the monitoring plan to be modified accordingly.

### **Historical and Archaeological Sites**

- F.(1) Any significant historical or archaeological resources discovered during project development shall be reported to the Florida Division of Historical Resources (FDHR) and the disposition of such resources shall be determined in cooperation with the FDHR and Manatee County.

### **Water**

- G.(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- G.(2) The Developer\* shall be required by Manatee County ordinances, to extend potable water service to each phase or subphase of the

Project\* to assure that adequate potable water capacity exists to accommodate the Project\*.

The Developer\* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

- G.(3) The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
- G.(4) The Developer\* has committed to the following:
- utilization of a non-potable water system for all landscaped areas;
  - use of native vegetation or drought-resistant vegetation in landscaped areas and the single-family residential portion of development; and
  - the re-establishment of the previously cleared tree canopy, where possible.
- G.(5) The Developer\* shall obtain verification of adequate water supply availability and service concurrent with the request for specific approval\* of Phase II.
- G.(6) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(7) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(8) Florida-friendly landscaping principles shall be used throughout the development.
- G.(9) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- G.(10) Conservation education shall be provided for the residents and other users of the development.
- G.(11) Total potable water use for the residential development shall not

exceed 150 gallons per capita per day.

### **Wastewater**

- H.(1) The Developer\* shall be required by Manatee County ordinances, to expand wastewater service to each phase or subphase of the Project\* to assure that adequate wastewater capacity exists to accommodate the Project.\*
- H.(2) No septic tanks are permitted within the Evers Watershed. No permanent septic tanks shall be permitted outside of the Evers Watershed.

### **Solid Waste**

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer\* shall be required by Manatee County ordinances, to extend solid waste service to each phase or subphase of the Project\* to assure that adequate solid waste capacity exists to accommodate the Project\*.

### **Recreation and Open Space**

- J.(1) Greenways and environmentally-sensitive features shall be maintained by the Developer\* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies.
- J.(2) As committed, the Developer\* shall provide a 9.2-acre private park, a community center, a tot-lot (separate from the park), and recreation trails (near the wetlands along the project's eastern boundary). The park shall include a multiuse sports field, an open-air pavilion, and restrooms. In addition, a further 10 acres of parks will be located east of Pope Road (at a location to be determined with the first Preliminary Site Plan).

### **Health Care, Police, and Fire**

- K.(1) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of

emergency service facilities for emergency medical services. The Developer\* may, with the approval of the County\*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to the approval of the first Preliminary Site Plan, Final Site Plan, or Final Plat for Vertical Development\* for Phase I or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project\* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.

- K.(2) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire services or any combination thereof. The Developer\* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share for each Phase, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for each Phase. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- K.(3) The applicant shall pay Manatee County EMS impact fees based on the Nursing Home rate for any Assisted Living Facility or Group Care Home facility constructed within the project.
- K.(4) As agreed upon, the applicant shall use applicable Fire Wise principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems. Such practices shall be described on the Landscape Plans of each Final Site Plan.

### **Hurricane Preparedness**

- L.(1) The Developer\* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

**Affordable Housing**

- M.(1) Reanalysis of affordable housing associated with Phase II shall be required if non-residential uses are added to proposed Phase II and/or Rule 9J-2.0248, FAC is modified regarding affordable housing.

**Energy**

- N.(1) The Developer\* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.

**General Conditions**

- O.(1) Should development of Phase I 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.
- O.(2) Specific Phase II approval shall be contingent upon further transportation and air quality analyses (if appropriate) submitted in accordance with Subsection 380.06, F.S., and verification of water supply availability.
- O.(3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by 2011. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development\*.
- O.(4) Any approval of the Northwest Sector shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S., and the following provisions of the Florida Administrative Code (F.A.C.): Rule 9J-2.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 9J-2.043 (Archaeological and Historical Resources Uniform Standard Rule); Rule 9J-2.044 (Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule); Rule 9J-2.045 (Transportation Uniform Standard Rule); and 9J-2.048 (Adequate Housing Uniform Standard Rule).
- O.(5) All of the Developer's\* commitments set forth in the ADA\* and subsequent Sufficiency Responses shall be honored as Development Order Conditions, except as they may be superseded by specific terms of the Development Order. Such developer commitments have been summarized in Section 6 of this Development Order.

- O.(6) Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer\* in accordance with Rule 9J-2.0252, FAC.
- O.(7) The Developer\*, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes\* to the County\*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on even number years commencing September 9, 2008 until such time as all terms and conditions of this Development Order are satisfied. Ten (10) copies of this report shall be submitted to the Director of the Manatee County Planning Department 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 County Commission should the Planning Director decide further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:
- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
  - b. A summary comparison of development activity proposed and actually conducted for the year;
  - c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer\*;
  - d. Identification and intended use of lands purchased, leased, or optioned by the Developer\* adjacent to the land encompassed by the Development Order for the Project\*;
  - 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 Application for Development Approval\* and which have been identified by the County\*, TBRPC, or DCA, as being significant;
  - f. Any known incremental DRI Applications for Development Approval\* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development\* since the Development Order was issued
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. An updated map showing the locations and acreage of upland and wetland preservation; and,
- m. Any other information required pursuant to general law.

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

The following are developer commitments set forth in the Application for Development Approval\* (ADA\*) and Sufficiency Responses\* (SR) which shall be honored by the Developer\*, except as they may be superseded by specific terms of the Development Order.

#### **GENERAL**

1. Borrow pits will be incorporated into the site design to create focal points and separation between housing products. (ADA/Page 10.2)
2. The commercial/office area [located internal to the Project\* east of Pope Road] will be connected to pedestrian and bike routes; it will have appropriate facilities for pedestrians and cyclists (such as bike racks); it will be designed for pedestrian use and orientation; and will be built on a neighborhood scale. (SR1/Page 10.16)
3. It is noted that utilities will be reanalyzed based on the current operating conditions at the time of application for a land use exchange and that utility capacities for any land use exchanges are not guaranteed at this time. (SR2/Page 10.1)
4. All retail space constructed in the Northwest Sector DRI will be

“Neighborhood Retail.” (SR2/Page 10.6)

### **VEGETATION AND WILDLIFE**

1. The Northwest Sector DRI will incorporate elements of the natural on-site systems and features into the project design. Except for necessary roadway crossings, the on-site wetlands will be retained in their natural state or enhanced. Any necessary wetland impacts will be appropriately mitigated. (ADA/Page 10.15)
2. Existing upland plant communities will be incorporated into wetland and other buffers as much as practicable. (ADA/Page 12.5)
3. A management plan for the protection of this species (bald eagle) will be prepared in coordination with the U.S. Fish & Wildlife Service prior to any development within 1,500 feet of the nest. (ADA/Page 12.8)
4. A detailed gopher tortoise survey utilizing the methodology pursuant to the Florida Fish and Wildlife Conservation Commission will be completed within appropriate habitat types prior to submittal of the first Preliminary Site Plan. If it is determined that five or fewer tortoises are found within the project area, then the tortoises will be relocated on-site within a preserved area of suitable habitat, however, if the remnant population is greater than five, then a relocation or incidental take permit may be obtained, dependent on the suitability of available relocation sites. (ADA/Pages 12.8-12.9 & SR1/Page 12.4)
5. The land-use plan will also include the preservation of all significant wetland systems on the site. (ADA/Page 12.12)
6. The majority of on-site wetlands are proposed to be preserved, along with 30 or 50 foot wide upland buffers, thereby preserving the foraging and potential nesting habitat these areas currently provide. (ADA/Page 12.12)
7. Management plans for the gopher tortoise will be developed as more detailed surveys are performed and reveal specific populations, if found within the project boundaries. (ADA/Page 12.12)
8. Invasive/nuisance vegetation or food crops [within wetland buffer areas] will be removed through a mix of manual/mechanical techniques. Supplemental planting or seeding with native vegetation will occur as needed to restore the buffer to a native community. (SR1/Page 10.1)
9. In accordance with TBRPC Policy 4.5.1, the slough along the eastern boundary (mapped as 615) [“Stream and Lake Swamps”] will be preserved. No impacts are proposed to this area, which is classified as an area of Regional Significance. To prevent potential secondary impacts, a

- 50-foot upland buffer will be established around the wetland system. (SR1/Page 10.3)]
10. The amount of Pine Mesic Oak to be preserved has been increased to 21%, with the inclusion of the parcel adjacent to SR 70 for preservation. (SR1/Page 10.10)
  11. Stormwater ponds will be constructed so that 35% of the required pond area will be littoral zones, and the edges will be graded to a 4:1 slope, suitable for wading birds, alligators, and any other wildlife that may utilize the areas. (SR1/Page 12.5)
  12. American alligators on the site were observed in the Kent Borrow pits in the southern region of the parcel. These borrow pits will remain post-development, resulting in no loss of habitat. (SR1/Page 12.5)
  13. The individual plant species that were located, which included the wild pine air plant *Tillandsia utriculata*, will be protected by being relocated to wetlands, wetland buffers, or upland conservation areas. (SR2/Page 10.6)
  14. The Developer\* has acknowledged the following intended Manatee County stipulations:
    - The developer shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan; (SR3/Page 3)
    - A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval; (SR3/Page 3)
    - Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with Habitat Management Guidelines for the Bald Eagle in the Southeast Region, as amended, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval; (SR3/Page 3) and
    - Prior to Preliminary Site Plan approval, the Developer\*] shall demonstrate avoidance and minimization of all proposed wetland impacts in accordance with Comprehensive Plan Policy 3.3.1.1. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity for the proposed impact. (SR3/Page 3)

## **WETLANDS**

1. The only wetland encroachments proposed are for three roadway

- crossings. Those minimal impacts can be mitigated through a variety of options including the restoration of degraded wetlands. (ADA/Page 10.13)
2. Hydroperiods of on-site wetlands will be maintained through contributions from the proposed stormwater management system. Upland buffers of 30 feet around preserved isolated wetlands and 50 feet around wetlands contiguous with waters of the state within the Evers Reservoir Watershed Overlay District will be observed, protected, and managed for wildlife habitat value in accordance with the Manatee County LDC. These buffers will remain in native vegetation where found and restored to native condition where habitat has been degraded. (ADA/Pages 13.2-13.3)
  3. Wetland areas will be clearly identified in the field prior to initiating construction. Silt fence, or other appropriate erosion control device, will be placed at the limit of the wetland buffers to prohibit encroachment and sedimentation. (ADA/Page 13.4)
  4. Stormwater lake littoral shelves within the project area will be planted with at least three species of desirable herbaceous emergent wetland vegetation. Plant materials will be bare root sized and installed on three-foot centers. (ADA/Page 13.5)
  5. Wetlands are proposed to remain undisturbed as important amenities to the site plan and will be incorporated into the surface water management plan and dedicated as Wetland Conservation Areas. (ADA/Page 15.2)
  6. Wetland compensation for impacts associated with the project will be provided by the withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan detailed in the 'Ecosystem Management Plan' submittal to Manatee County Environmental Management Department on May 4, 1998 and approved by the Southwest Florida Water Management District. (SR1/Page 10.4)
  7. The stream swamp system located in the southern region of the parcel, known as Wolf Slough, listed on the map as NW-W59 will also be preserved, as well as any on-site isolated marshes/swamps. Adjacent buffers will be enhanced as needed, in accordance with requirements by Manatee County. (SR1/Page 10.5)
  8. The Developer\* proposes to preserve the vast majority of freshwater wetlands on-site. Three impacts in total are proposed to these systems, affecting approximately 0.17 acres out of 138.5 acres, and all impacts were designed to minimize impact areas and utilize previously disturbed areas in order to preserve higher quality systems. (SR1/Pages 10.10 & 13.4)
  9. Isolated wetlands will have a buffer of approximately 30-feet in width;

linear (or connected) systems within the Evers Reservoir Watershed Overlay District will have a buffer of approximately 50-feet. These areas will be placed under a conservation easement to protect them from any future land use conversion. As a secondary measure, conservation easement and wetland buffer signs will be installed at key locations to advise those utilizing the area or performing maintenance activities of appropriate restrictions. (SR1/Page 13.1)

10. All wetlands on site will be maintained after development, except for those impacted by road crossings [approximately 0.17 acres], as shown on Map H. (SR1/Page 13.2)
11. During construction, Best Management Practices\*, such as silt fencing, will protect the wetland and wetland buffers from potential secondary impacts. (SR1/Page 26.1)

### **WATER QUALITY**

1. Water quality monitoring will be conducted in accordance with Manatee County's 'Ambient Surface Water Monitoring for Developments' if additional monitoring is deemed necessary or if the Developer\* is requested to participate in a basin study in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired water bodies. (ADA/Page 14.5 & SR1/Page 10.18)
2. A groundwater quality-monitoring plan is being developed and will be submitted at a later date. Per the request of the Florida Department of Environmental Protection, the Developer\* will provide a detailed Environmental Monitoring Plan including a detailed Ground Water Monitoring component (and a Surface Water Monitoring component) with applicable geotechnical studies to DEP for review and approval prior to its implementation and prior to any on-site construction activities. (ADA/Page 14.6)
3. Any potential adverse effects that may result from the discharge of surface drainage from the DRI site will be mitigated by the use of best management practices\* and design guidelines for the planned stormwater management and discharge system. (ADA/Page 14.6)
4. Construction water quality monitoring for turbidity will begin with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies will be initiated and maintained during construction and site development activities. (ADA/Page 14.7)

5. The Developer\* intends to propose and perform baseline water quality monitoring for ambient groundwater conditions... [and] A groundwater monitoring plan will be submitted to MCEMD to initiate, upon approval, prior to site development activities. The groundwater monitoring program will continue throughout the site development activities to ensure that these activities do not pose any potential adverse effects to the surficial aquifer resources. (ADA/Page 14.7)
6. Concerning the potential for water quality degradation from pollutants that may be generated from stormwater runoff, pet manure and lawn fertilizer, following development of the site, stormwater runoff will drain through a series of mitigative features such as swales, detention/retention basins, and wetlands. (SR1/Page 10.17)
7. This monitoring program will be continued under the implementation of the Environmental Monitoring Plan [EMP] which will provide components for both surface and groundwater quality to monitor the development and post-development activities (SR1/Page 14.1).
8. The EMP plan will be initiated as soon as approved in order to accomplish the pre-construction, groundwater monitoring requirement. (SR1/Page 14.3)
9. The EMP will be submitted to Manatee County and FDEP prior to its implementation and prior to any on-site construction activities. (SR1/Page 14.4)
10. Any wells found on-site will be properly abandoned or permitted for use, as appropriate. (SR1/Page 14.5)

## **SOILS**

1. The Developer\* intends to utilize underdrains to offset such soil limitations presented which will allow for further constructability of the soils for uses such as roadways. Flexible roadways and building foundations will also be utilized to offset swelling and shrinking of soils. (ADA/Page 15.3)
2. Lake bank stabilization will be achieved through the use of temporary seed and mulch until final stabilization can be achieved by means of sodding. (ADA/Page 15.3)
3. Prior to site development, soils testing will be performed to evaluate overall suitability of the soil and identify characteristics of the subsurface site. (SR1/Page 14.4)
4. Within the littoral zones of the lakes, below normal water level, native aquatic plants will be utilized. (SR1/Pages 15.1 & 19.2)

**FLOODPLAINS**

1. Floodplain mitigation areas will be located on-site within the Northwest Sector DRI and will be submitted to the appropriate agencies for approval of their locations. (ADA/Page 16.1 & SR1/Page 16.1)
2. Homes and other structures will be designed and built at elevations that will exceed the mapped 100-year flood levels and the designed flood levels of the onsite stormwater management system. (SR1/Page 10.17)

**WATER SUPPLY**

1. The Project\* will use the lowest quality of water available for irrigation purposes, including non-potable quality groundwater, stormwater, and/or reclaimed water. (ADA/Page 10.13)
2. The planned use for these [six] wells will be as secondary supplements for the non-potable surface water irrigation system administered by Braden River Utilities. (ADA/Page 14.3)
3. No additional wells are proposed on-site. (ADA/Page 17.4)
4. The Developer\* will operate and maintain the non-potable water supply system. (ADA/Page 17.5)
5. The Developer\* will encourage responsible use of water by the occupants. The Developer\* will implement non-potable (irrigation) restrictions to limit the use of non-potable water to conserve water. (ADA/Page 17.6)
6. The Developer\* has taken several steps to minimize the use of water including the following:
  - the utilization of a non-potable water system for all landscaped areas;
  - the use of native vegetation or drought-resistant vegetation in landscaped areas; and
  - the re-establishment of tree canopy that has been previously cleared for agriculture activities where possible. (SR1/Page 10.12)
7. The Developer\* will encourage the use of native, drought tolerant landscaping for the single-family residential portion of the development. (SR1/Page 17.6)

**STORMWATER MANAGEMENT**

1. The project stormwater management system will be integrated into the

natural wetlands ensuring that surface and groundwater quality during and after development will meet or exceed all state and local water quality standards. (ADA/Page 10.13)

2. Because portions of this project drains to the Ever's Reservoir, Manatee County has placed a 150% treatment requirement for all post-developed stormwater runoff within the Ever's Reservoir. In addition, due to flooding problems along portions of the Braden River, a 25% reduction in allowable discharge is in place as well. (ADA/Page 19.2)
3. The post-development storm water management system will be designed to avoid adverse impacts to property and environmentally sensitive areas, upstream and downstream of the site. Water Quality and Quantity standards will be achieved through the storm water management system which will be designed in accordance with state and local criteria and will utilize ponds, lakes, littoral zones, wetlands and control structures with skimmers to achieve the following:
  - No de-hydration or flooding of existing wetland systems;
  - Post-developed flows will be attenuated so that no upstream or downstream adverse impacts are created;
  - Storm water treatment to ensure water quality criteria is met in accordance with State and Manatee County standards; and
  - Floodplain management so that no upstream and downstream adverse impacts are created. (ADA/Pages 19.4-19.5 & SR2/Page 19.1)
4. The stormwater management system will be owned and maintained by the Developer\* or assignee. A regular maintenance program will be developed for the site in accordance with SWFWMD and Manatee County. (ADA/Page 19.5)
5. The borrow pit lakes will be maintained as surface water storage areas for the non-potable water system. A portion of the stormwater system will discharge into these lakes. Some minor dressing and reshaping of the banks may occur as needed but no substantial changes are proposed. (SR1/Page 10.7)
6. The project stormwater management system within the Evers Reservoir Watershed Overlay will incorporate this design standard and will provide 150% of the treatment normally required to meet State standards. As a result, the potential transport of nutrients, trace metals, organic detritus and bacteria that may be generated from the aforementioned land uses through these areas is expected to be mitigated. (SR1/Page 10.17)
7. Stormwater ponds will be constructed so that 35% of the required treatment area will be constructed as littoral zones. (SR1/Page 12.6)

**TRANSPORTATION**

1. Access to the small commercial parcel “will be provided from Pope Road only with no direct access to S.R. 70.” (ADA/Page 10.3)
2. This project will consist of amenities within all components of the development, including sidewalks and bicycle paths, which will allow movement of people by means other than private automobile. (ADA/Page 21.31)
3. The Developer will work with the Community Services Department to provide appropriate infrastructure on Lakewood Ranch Boulevard for transit services. (SR2/Page 9.2)
4. The Developer\* will work with the agency [TBRPC] on the inclusion of an external trip monitoring program for the Project. (SR3/Page 11)

**AIR QUALITY**

1. The Project\* will utilize approved methodologies for prevention of fugitive dust particles during construction. (ADA/Page 10.13)
2. In order to minimize the amount of fugitive dust, only the individual parcels of land where construction is scheduled to proceed will be cleared. Additional measures to be employed to minimize fugitive dust include sodding, seeding, mulching, or planting of landscaped materials in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1)

**RECREATION AND OPEN SPACE**

1. A ±10-acre park will be developed on the parcel west of Pope Road (ADA/Page 10.3) and will developed in Phase I (ADA/Page 26.1).
2. The development will include passive and active recreation facilities. These will include a pedestrian and bicycle system along roadways and also a system in conjunction with the wetland system. (ADA/Page 10.10)
3. All open space and recreation facilities within the project\* will be maintained by the Developer\* or successors such as a Homeowner’s Association(s) or Community Development District(s). (ADA/Page 26.1)
4. This project requires a minimum of two parks in accordance with provisions of the Manatee County Comprehensive Plan. The project\* is planned to contain one park. The project will maintain consistency with the Comprehensive Plan by paying Manatee County impact fees for

county-wide parks and local parks. (ADA/Page 26.2)

5. Wetlands, wetland buffers, and any proposed upland preservation areas will be placed under a conservation easement to Manatee County and will be protected from any future land use. (SR1/Page 26.1)
6. The only on-site recreation facilities will be a 10-acre private park, the community center, a tot-lot (separate from the park), and recreation trails. Other recreational facilities will be identified as planning and development proceeds. The park will include a multiuse sports field (baseball, softball, football, and soccer), an open-air pavilion, tot lot, and restrooms. The recreation trails will be located along the project eastern side, adjacent to wetlands and preserved uplands. (SR1/Page 26.5)

### **EDUCATION**

1. Two school sites have been provided to the School Board. On September 26, 2005, the Manatee County School District approved the acquisition of 51 acres from the Developer\* north of 44<sup>th</sup> Avenue, between Lakewood Ranch Boulevard and Pope Road, for construction of an elementary and middle school. (SR2/Page 27.1)

### **ENERGY**

1. The developer will encourage the identified energy conservation methods be used by builders in the Northwest Sector DRI. Further, similar to Lakewood Ranch, the Developer\* anticipates that the Northwest Sector Project will be certified as a "green development" by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, Northwest Sector builders will be required to construct energy- and resource-efficient facilities and receive certification from FGBC. (SR1/Page 29.2)
2. The developer is working with TECO/Peoples Gas to insure that natural gas is available within the project. (SR1/Page 29.2)

### **SECTION 7. LEGAL DESCRIPTION:**

#### **LEGAL DESCRIPTION PARCEL 1**

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W,

912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of  $34^{\circ}25'49''$ , said curve having a radius of 2,143.00 feet and being subtended by a chord which bears  $S65^{\circ}42'55''W$ , 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of  $44^{\circ}37'25''$ , said curve having a radius of 2,023.00 feet and being subtended by a chord which bears  $S70^{\circ}48'42''W$ , 1,536.04 feet to the point of tangency of said curve; Thence  $N86^{\circ}52'35''W$ , 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of  $91^{\circ}33'16''$ , said curve having a radius of 50.00 feet and being subtended by a chord which bears  $N41^{\circ}05'57''W$ , 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence  $N04^{\circ}40'41''E$ , 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of  $25^{\circ}57'27''$ , said curve having a radius of 2,060.00 feet and being subtended by a chord which bears  $N08^{\circ}18'02''W$ , 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of  $95^{\circ}42'23''$ , said curve having a radius of 50.00 feet and being subtended by a chord which bears  $N26^{\circ}34'26''E$ , 74.14 feet; Thence  $N74^{\circ}25'37''E$ , 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of  $14^{\circ}53'05''$ , said curve having a radius of 2,777.50 feet and being subtended by a chord which bears  $N81^{\circ}52'09''E$ , 719.53 feet; Thence  $N00^{\circ}41'18''W$ , 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of  $13^{\circ}12'59''$ , said curve having a radius of 2,790.00 feet and being subtended by a chord which bears  $S84^{\circ}04'49''E$ , 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of  $41^{\circ}16'07''$ , said curve having a radius of 2,940.00 feet and being subtended by a chord which bears  $N81^{\circ}53'37''E$ , 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of  $16^{\circ}32'46''$ , said curve having a radius of 2,790.00 feet and being subtended by a chord which bears  $N69^{\circ}31'57''E$ , 802.91 feet; Thence  $S12^{\circ}11'41''E$ , 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of  $13^{\circ}04'19''$ , said curve having a radius of 2,777.50 feet and being subtended by a chord which bears  $N84^{\circ}20'29''E$ , 632.31 feet; Thence  $S89^{\circ}07'21''E$ , 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right through a central angle of  $41^{\circ}24'35''$ , said curve having a radius of 50.00 feet and being subtended by a chord which bears  $N70^{\circ}10'21''E$ , 35.36 feet; Thence  $S89^{\circ}07'21''E$ , 808.68 feet; Thence  $N00^{\circ}52'39''E$ , 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of  $02^{\circ}29'11''$ , said curve having a radius of 2,930.00 feet and being subtended by a chord which bears  $N88^{\circ}44'06''E$ , 127.14 feet to the point of reverse curvature of said curve ; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of  $43^{\circ}45'59''$ , said curve having a radius of 2,800.00 feet and being

subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve; Thence S48°44'31"E, 1,779.99 feet to a point of curvature; Thence 1,253.44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears S60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet; Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet; Thence N67°44'14"W, 65.42 feet; Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less.

TOGETHER WITH:

## LEGAL DESCRIPTION PARCEL 2:

A tract of land lying in Sections 7 AND 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2,952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72:98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears S63°45'26"E, 66.67 feet to a point of compound curvature; Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

#### **SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:**

Physical development of the Project\* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

#### **SECTION 9. RESTRICTIONS ON DOWN-ZONING:**

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the condition 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 or unit density shall be affected 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 Project\*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

**SECTION 10. ORDER BINDING UPON DEVELOPER\*:**

This Order shall be binding upon the Developer\*.

**SECTION 11. RENDITION:**

The Planning Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer\*, the Florida Department of Community Affairs, and TBRPC.

**SECTION 12. 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 with a copy of the recorded notice.

**SECTION 13. SEVERABILITY:**

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

**SECTION 14. EFFECTIVE DATE:**

This Ordinance, 07-68, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS  
1<sup>st</sup> day of November, 2007.

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

BY: *Amy Stein*  
Chairman



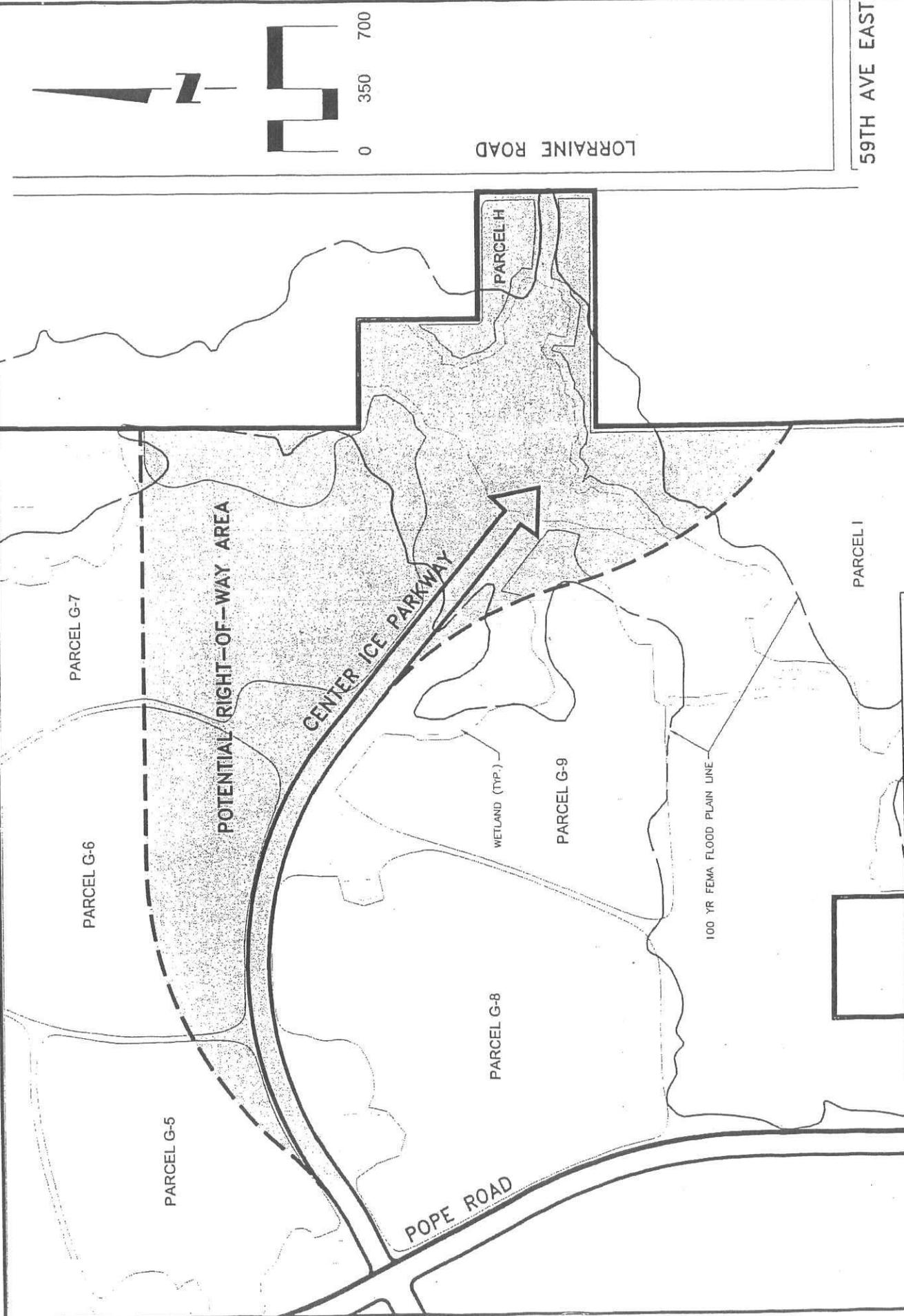
ATTEST: **R. B. SHORE**  
Clerk of the Circuit Court

BY: *Susan G. Romine*  
Deputy Clerk

### **Exhibits to Ordinance 07-68**

- Exhibit A – Natural Resources of Regional Significance, as delineated on Map 3
- Exhibit B – Potential Center Ice Parkway Right of Way
- Exhibit C – Map A, General Location (Revised July 2007)
- Exhibit D – Map B, Aerial (July 2007)
- Exhibit E – Map C, Topography and 100 Year Floodplain (February 2005)
- Exhibit F – Map D, Existing and Approved Land Uses (February 2005)
- Exhibit G – Map E, Soils (February 2005)
- Exhibit H – Map F, Vegetation Association (Revised July 2007)
- Exhibit I – Map G, Significant Plant and Wildlife Resources (Revised October 2005)
- Exhibit J – Map H, Master Development Plan (Revised September 2007)
- Exhibit K – Map I-1, Drainage Plan Existing (Revised October 2005)
- Exhibit L – Map I-2, Drainage Plan Proposed (Revised October 2005)
- Exhibit M – Map J, Transportation Study Area (July 2007)





**Exhibit "B"**  
**Potential Center Ice Parkway Extension Right-of-Way**  
**Northwest Sector DRI**

**WilsonMiller**

Planners • Engineers • Geologists • Surveyors • Landscape Architects • Transportation Consultants  
 WilsonMiller, PC

600 Professional Parkway, Suite 200 • Naperville, Illinois 60563 • Phone: 630.335.4600 • Fax: 630.335.4601 • Web: www.wilsonmiller.com  
 04/10/13 - 12/08/13









**CONSULTANT TEAM**

Janus Research, Inc. Planning  
 Archon Research, Inc. Engineering and  
 Fishburn & Associates, Inc. Architecture  
 Grinnell Crawford, Inc. Transportation  
 Orinca Capital Group, PA. Utilities & Gas  
 Gladstein & Associates, PA. Legal  
 Environmental Affairs  
 Consultants, Inc. Environmental

**NORTHWEST SECTOR**  
 Manatee County, Florida  
 A Development of Regional Impact by Schreyer-Manatee Ranch, Inc.

**MAP E**

**SOILS**

**FEBRUARY 2005**



1 inch equals 1,500 feet

0 750 1,500 3,000 Feet

North Arrow

Manatee, January 24, 2005 11:33:07 AM  
 C:\Projects\032505\2505 Soils\032505 Soils\_1.mxd

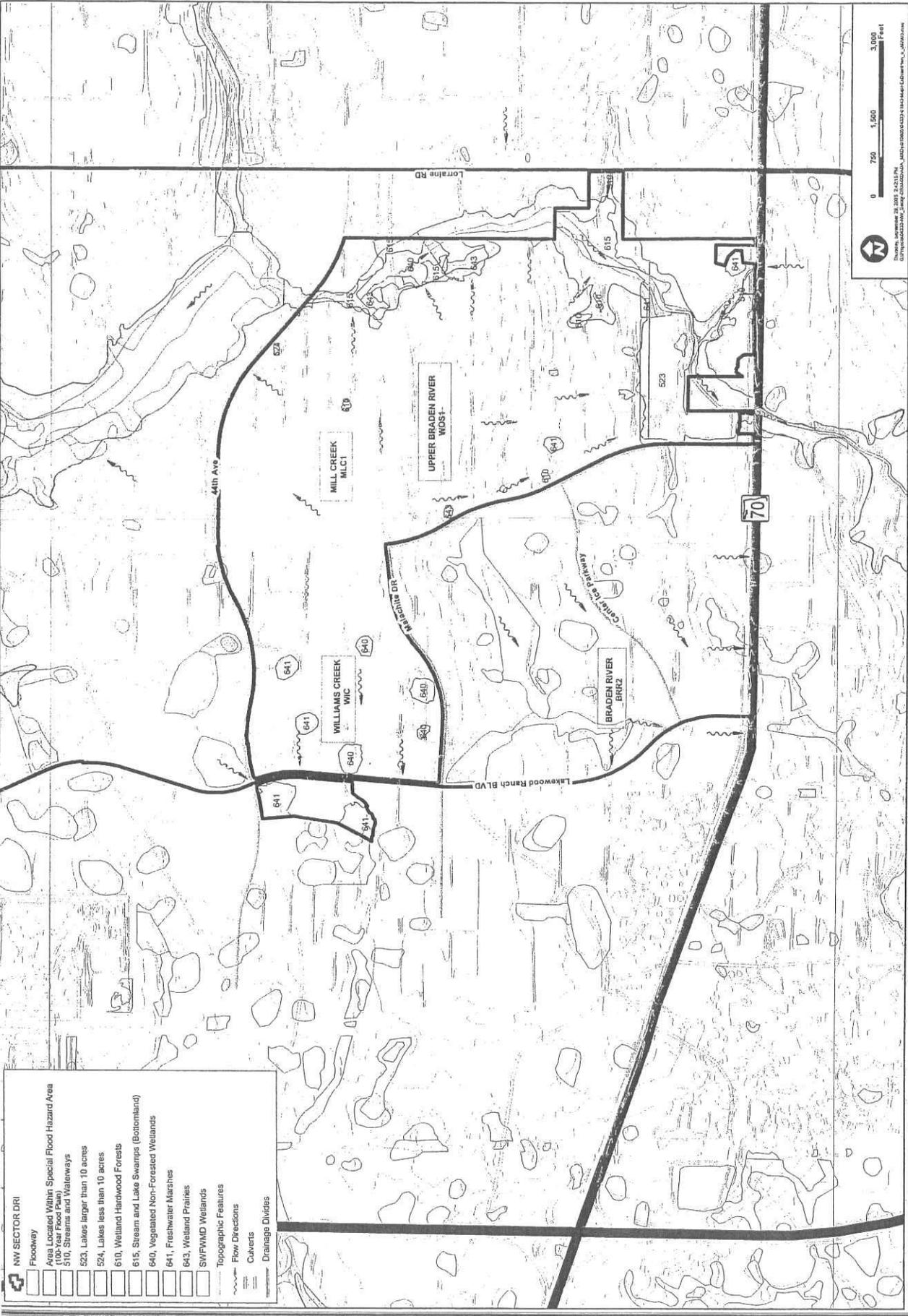
**Exhibit G**







	NW SECTOR DRI
	Floodway
	Area Located Within Special Flood Hazard Area (100-Year Flood Plain)
	Streams and Waterways
	Lakes larger than 10 acres
	Lakes less than 10 acres
	Welland Hardwood Forests
	Stream and Lake Swamps (Bottomland)
	Vegetated Non-Forested Wetlands
	Freshwater Marshes
	Welland Prairies
	SWP/RMD Wetlands
	Topographic Features
	Flow Directions
	Culverts
	Drainage Divides



**CONSULTANT TEAM**

Wissamiller, Inc.  
 Planning  
 Archeological  
 Engineering and  
 Surveying  
 Associates, Inc.  
 Economic  
 Transportation  
 Environmental  
 Consultants, Inc.  
 Geology, PA  
 Griggs Harkin  
 Griggs Harkin  
 Griggs Harkin  
 Legal

**NORTHWEST SECTOR**

Manatee County, Florida

A Development of Regional Impact by Schroeder-Manatee Ranch, Inc.

MAP I-1

**DRAINAGE PLAN EXISTING**

REVISED

OCTOBER 2005

0 750 1,500 3,000 Feet

Graphic scale bar and north arrow.

Exhibit "K"



