



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES  
Governor

LINDA LOOMIS SHELLEY  
Secretary

February 13, 1995

Mr. Ravi Munshi  
Director of Engineering & Facilities  
Sarasota-Bradenton International Airport  
Post Office Box 13399  
Sarasota, FL 34278-3399

Re: Sarasota-Bradenton Airport; File No. AGM-984-001B

Dear Mr. Munshi:

Enclosed is a copy of the executed agreement for the Sarasota-Bradenton Airport. Please record this agreement or a notice of preliminary development agreement with the clerk of the circuit court pursuant to subparagraph 380.06(8)(a)10., Florida Statutes, and provide the Department with a copy of the recorded agreement within two weeks.

If you have any questions, please call Steve Atkins in the Bureau of Local Planning at (904) 488-9210.

Sincerely,

A handwritten signature in cursive script that reads "D. Ray Eubanks".

D. Ray Eubanks  
Planning Manager

DRE/dh

Enclosure

cc: Mr. Charles D. Bailey, Attorney  
Mr. Dan Trescott, SWFRPC (with enclosure)  
Mr. Tim Butts, TBRPC (with enclosure)  
Mr. Steve Ball, Sarasota County (with enclosure)  
Mr. Michael Pendley, Manatee County (with enclosure)  
Ms. Jane Robinson, City of Sarasota (with enclosure)

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

PRELIMINARY DEVELOPMENT AGREEMENT  
FOR SARASOTA-BRADENTON INTERNATIONAL AIRPORT

This Agreement is entered into between the Sarasota-Manatee Airport Authority ("SMAA") and the State of Florida, Department of Community Affairs ("Department") subject to all other governmental approvals and solely at the SMAA's own risk.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact (DRI); and

WHEREAS, the Department is authorized to enter into preliminary development agreements pursuant to Subsections 380.032(3) and 380.06(8), Florida Statutes, and Rule 9J-2.0185, Florida Administrative Code; and

WHEREAS, the SMAA represents and states that:

A. The SMAA is a body politic and corporate created by Chapter 91-358, Laws of Florida, which owns in fee simple absolute, approximately 1,093 acres, comprising the Sarasota Bradenton International Airport ("Airport"), located in the City of Sarasota and in the unincorporated areas of Sarasota and Manatee Counties, Florida, more particularly described in Exhibit "1" to this Agreement. No other person or legal entity has any interest in said land, including but not limited to, rights arising out of a contract for sale for any portion of said land; and

B. The SMAA has developed its New Terminal Project ("Terminal Project"), pursuant to DRI development orders issued by

the three local governments; and

C. The SMAA proposes to develop an additional project known as the Sarasota Bradenton International Airport Improvement Project ("the Project"), to construct aviation and non-aviation improvements consistent with the SMAA's Master Plan ("Master Plan"), a copy of which is attached as Exhibit "2", approved by the Federal Aviation Administration; and

D. The Project contemplates improvements that were not reviewed as part of the original Terminal Project DRI, including a runway extension that will be subject to further DRI review; and

E. The SMAA proposes to develop a portion of the Project prior to issuance of a further DRI development order; and

F. The SMAA does not have any interest in any other land or development located within five miles of the Project, except for non-abutting residential properties acquired by the SMAA pursuant to the noise abatement mitigation requirements of the Terminal Project; and

G. The preliminary development authorized by this Agreement is limited to lands which are suitable for development; and

H. The existing public infrastructure will accommodate the uses planned for the preliminary development authorized by this Agreement, when such development will utilize public infrastructure; and

I. The preliminary development authorized by this Agreement will not result in material adverse impacts to existing

or planned facilities.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed:

1. The SMAA asserts and warrants that all the representations and statements concerning the Project made to the Department and contained in this Agreement are true, accurate, and complete. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

2. The Project is a development of regional impact as defined by Section 380.06, Florida Statutes. Within 45 days from the date of execution of this Agreement, the SMAA shall meet with the Tampa Bay Regional Planning Council and with the Southwest Florida Planning Council for the pre-application conferences required by Subsection 380.06(7), Florida Statutes. Within 24 months from the date of execution of this Agreement, or within six months after issuance of a final environmental determination regarding the runway extension, pursuant to the National Environmental Policy Act, whichever is earlier, the SMAA shall file a Substantial Deviation Application for Development Approval ["ADA"] for the Project, which shall include the land described in Exhibit "1". The ADA shall assess all the impacts associated with

the entire development of the Project, including the preliminary development authorized by this Agreement.

3. Time is of the essence. Failure to timely attend the pre-application conference or to timely file the ADA or to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of this Agreement. In the event of such a breach, the SMAA shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement.

4. The SMAA may undertake the following preliminary development after the date of execution of this Agreement and prior to issuance of a final development order:

- a. General aviation facilities consisting of:
  - . 100 new "T" hangars to be located on Airport land not currently under lease to any fixed base operator (FBO)
  - . 23 "T" hangars to be located on Airport land under lease by Dolphin Aviation, an FBO
  - . Corporate hangars to accommodate up to six aircraft, to be located on Airport land not currently under lease to any FBO
  - . One corporate hangar to accommodate up to seven aircraft, located on Airport land leased by Dolphin Aviation
  - . Two corporate hangars to cumulatively accommodate up to eight aircraft, to be located on Airport land

leased by Jones Aviation, an FBO

The new "T" hangars will replace 25 existing unsheltered tie-down spaces. Thus, there will be a net increase of 144 sheltered (123 "T" hangar and 21 corporate hangar) spaces, accompanied by a decrease of 25 tie-down spaces. There are currently 163 fixed-wing aircraft and two helicopters based at the Airport, and there are 126 sheltered parking spaces at the Airport. Upon completion of the general aviation project, there will be 270 sheltered parking spaces.

- b. Replacement of an existing picnic shelter building with a structure not to exceed 10,000 sq.ft.
- c. Wash facilities for equipment and vehicles.
- d. Signage.

This Agreement will provide for an increase in the number of sheltered hangar spaces provided for general aviation aircraft, but will not increase the parking capacity of such aircraft at the Sarasota Bradenton International Airport. All other lands are to remain undeveloped and no other development, as defined by Subsection 380.04, Florida Statutes, shall occur until such time as a final development order is approved for the Project in its entirety. In the event of a breach of this paragraph, the SMAA shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement. The preliminary development authorized by this paragraph shall be subject to the terms and conditions of the final development order.

5. The preliminary development authorized by this Agreement is less than 80% of any applicable numerical guideline and standard.

6. The SMAA shall not claim vested rights or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with the total proposed development beyond the preliminary development. This Agreement shall not entitle the SMAA to a final DRI development order approving the total proposed development nor to particular conditions in a final development order.

7. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development.

8. Nothing in this Agreement shall constitute a waiver by any part of the right to appeal any development order pursuant to Section 380.07, Florida Statutes.

9. The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development of this Agreement.

10. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other

state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agencies from reviewing or commenting on any regional issue that the regional planning agencies determine should be included in the regional planning agency's report on the ADA.

11. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The SMAA shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The SMAA shall record a Notice of this Agreement which complies with Section 380.06(8)(a)10., Florida Statutes, in the Official Records of Sarasota and Manatee Counties, Florida, and shall provide the Department with a copy of the recorded Notices including Book and Page number within two (2) weeks of the date of execution of this Agreement.

12. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

WITNESSES:

SARASOTA-MANATEE AIRPORT AUTHORITY

Donald C. Gill  
Harry A. Kanner

By: Tom H. Herron Jr.



STATE OF FLORIDA  
COUNTY OF SARASOTA

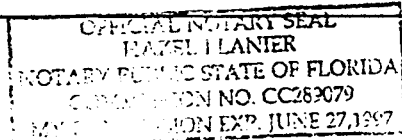
The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of January, 1995 by Sam H. Henson Jr., as Chairman of the Sarasota-Manatee Airport Authority, a body politic and corporate organized and existing under the laws of the state of Florida, on behalf of the Authority. The above-named person is personally known to me or has produced as identification. If no type of identification is indicated, the above-named person is personally known to me.

Hazel I. Lanier  
Signature of Notary Public

(Notary Seal)

Hazel I. Lanier  
Print Name of Notary Public

I am a Notary Public of the  
State of Florida and my  
commission expires on



DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form and legal sufficiency:

David J. Linder  
General Counsel  
Department of Community Affairs

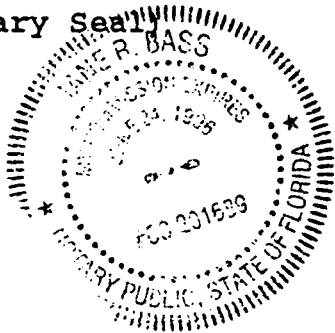
By: J. Thomas Beck  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, Florida 32399

STATE OF FLORIDA

COUNTY OF Leon

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of February, 1995 by J. Thomas Beck, as ~~general~~ Bureau ~~counsel~~ of the Department of Community Affairs, an agency of the State of Florida, on behalf of the Department. The above-named person is personally known to me ~~or has produced~~ as identification. If no type of identification is indicated, the above-named person is personally known to me.

(Notary Seal)



Jane R. Bass  
Signature of Notary Public

Jane R. Bass  
Print Name of Notary Public

I am a Notary Public of the State of Florida, and my commission expires on 6/24/96.

85810

01/05/95

EXHIBIT "1"

Legal Description

1  
EXHIBIT

Sarasota-Bradenton Airport Legal Description:

That part of Sections 25, 26, 35, Township 35 South, Range 17 East, lying East of U.S. Highway 41; Section 36, Township 35 South, Range 17 East; Section 31, Township 35 South, Range 18 East, Manatee County, Florida; Section 1, Township 36 South, Range 17 East; Section 6, Township 36 South, Range 18 East lying North of DeSoto Road and East of U.S. Highway 41; Sarasota County, Florida.

Lying within the following described boundaries to wit:

PARCEL "A"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run N 88-48-04 West, 50.00 feet to the Westerly right-of-way line of U.S. Highway 301 for a Point of Beginning of Parcel "A"; thence run S 00-12-26 West along said Westerly right-of-way of U.S. Highway 301 a distance of 2,640.53 feet to a point; thence run S 00-26-26 West along said right-of-way 1,498.27 feet to a point; thence on a curve to the left having a start tangent bearing of S 00-23-02 West, a radius of 1,196.00 feet, an arc length of 1,874.70 feet and an end tangent bearing of S 89-25-33 East; thence run S. 89-25-33 East 145.14 feet to the Westerly right-of-way of Seaboard Coastline Railroad; thence run S 00-13-22 West along said railroad right-of-way 2,542.22 feet to the North right-of-way of DeSoto Road; thence run N 89-16-34 West along said road right-of-way 2,706.57 feet to a point; thence run N 00-43-35 West along said road right-of-way 10.13 feet to a point; thence run N 89-16-25 West along said road right-of-way 1,842.00 feet to a point of intersection with the easterly right-of-way of U.S. Highway 41; thence run N 14-54-52 West along said U.S. Highway 41 right-of-way 2,469.57 feet to a point; thence on a curve to the left, having a start tangent bearing of N 17-15-11 West, a radius of 5,789.58 feet, an arc length of 563.74 feet and an end tangent bearing of N 22-49-55 West; thence run S 89-31-49 East 116.99 feet to a point; thence run N 00-17-11 East 463.78 feet to a point; thence run N 26-39-12 West 364.19 feet to a point; thence run S 89-24-01 East 45.00 feet to a point; thence run N 26-39-12 West 245.01 feet to a point; thence run N 89-24-10 West 384.01 feet to a point on the Westerly right-of-way of U.S. Highway 41; thence run N 26-39-12 West along said highway right-of-way 1,181.90 feet to a point; thence on a curve to the right having a start tangent of N 35-13-42 West, a radius of 1,849.86 feet, an arc length of 276.85 feet and an end tangent bearing of N 26-39-12 West; thence run S 89-22-01 East 580.67 feet to a point; thence run N 00-16-00 East 524.88 feet to a point; thence run S 89-59-50 West 200.00 feet to a point; thence run N 00-16-00 East 183.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 263.00 feet to a point; thence run S 89-59-50 West 225.00 feet; thence run N 00-16-00 East 218.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 228.00 feet to a point; thence run S 89-59-50 West

220.00 feet to a point; thence run N 31-34-58 West 430.20 feet to a point; thence run S. 89-59-50 West 2.92 feet to a point; thence run N 00-16-00 East 80.00 feet to a point; thence run S 89-59-50 West 193.34 feet to a point on the West right-of-way line of U.S. Highway 41; thence run N 31-34-58 West 1,009.32 feet along said highway right-of way to a point; thence on a curve to the right, having a start tangent bearing of N 47-58-41 West, a radius of 894.93 feet an arc length of 79.37 feet and an end tangent bearing N 42-53-48 West; thence run N 27-29-13 West 557.25 feet to a point; thence on a curve to the left having a start tangent bearing of N 24-33-09 East, a radius of 1,032.17 feet, an arc length of 90.77 feet, and an end tangent bearing of N 19-30-50 East; thence run S 89-45-06 East 181.00 feet to a point; thence run N 00-16-21 East 675.97 feet to a point; thence run S 89-57-09 East 1,354.07 feet to a point; thence run S 00-19-21 West 658.49 feet to a point; thence run S. 89-02-59 East 8.84 feet to a point; thence run S 26-08-20 East 151.02 feet to a point; thence run S 45-52-28 East 769.53 feet to a point on the North boundary of Section 36, Township 35 South, Range 17 East; thence run S 88-49-04 East along said Section line 4,670.19 feet to the Point of Beginning.

Containing 948.02 acres, more or less.

#### PARCEL "R"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89-47-34 East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00-12-26 West along said highway right-of-way 229.35 feet to the Point of Beginning from said Point of Beginning run S 89-54-34 East 850.00 feet to a point; thence run S 00-12-26 West 1,089.45 feet to a point; thence run N 89-53-01 West 850.00 feet to a point on the Easterly right-of-way line of U.S. 301; thence run N 00-12-26 East along said right-of-way 1,089.07 feet to the Point of Beginning.

Containing 21.26 acres, more or less.

#### PARCEL "C"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89-47-34 East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00-12-26 West 2,640.08 feet along said right-of-way to a point; thence run S 00-26-26 West along said right-of-way 652.90 feet to the Point of Beginning of Parcel "C"; thence run S 89-30-34 East 1,255.60 feet to a point on the Westerly right-of-way of the Seaboard Coastline Railroad; thence run S 00-13-22 West along said railroad right-of-way 663.72 feet to a point; thence run S 89-21-20 E along said right-of-way 25.00 feet to a point; thence run S 00-13-22 W, 1,275.75 feet along said right-of-way to a point on the Northeasterly right-of-way of U.S. Highway 301; thence run N 89-25-23 West along said highway right-of-way 194.53 feet to a point;

thence on a curve to the right having a start tangent bearing of N 89-25-33 West, a radius of 1,096.00 feet, an arc length of 1,717.97 feet, and an end tangent bearing of N 00-23-02 East; thence run N 00-26-26 East along said highway right-of-way 845.27 feet to the Point of Beginning.

Containing 50.88 acres, more or less

PARCEL "D"

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East along the North boundary of said Section 6; 1,363.17 feet to the centerline of the Seaboard Coastline Railroad; thence run S 00-13-22 West along said centerline 350.01 feet to a point; thence run South 89-25-33 East 75.00 feet to the East right-of-way line of said railroad for a Point of Beginning; from said Point of Beginning run S 89-25-33 East 1,400.00 feet to a point; thence run S 00-34-27 West 200.00 feet to a point; thence run S 89-25-33 East 600.00 feet to a point; thence run S 00-34-27 W, 500.00 feet to a point; thence run S 51-01-08 West 693.71 feet to a point; thence run S 73-17-58 West 258.58 feet to a point; thence run S 20-57-33 West 599.72 feet to a point; thence run S 44-58-15 West 369.15 feet to a point; thence run S 89-16-34 East 409.86 feet to a point; thence run S 00-43-26 West 250.01 feet to a point on the North right-of-way line of DeSoto Road; thence run N 89-16-34 West 1,171.53 feet to the easterly right-of-way line of the Seaboard Coastline Railroad; thence run N 00-13-22 East along said railroad right-of-way 1,276.21 feet to a point; thence run S 80-43-36 East along said right-of-way 25.00 feet to a point; thence run N 00-13-22 East along said right-of-way 966.20 feet to the Point of Beginning.

Containing 73.75 acres, more or less.

PARCEL 108

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,001.80 feet to a point; thence run S 00-34-27 West 433.68 feet to the Point of Beginning; thence run S 89-48-25 East 103.97 feet to a point; thence run S 00-34-27 West 66.92 feet to a point; thence run N 89-25-33 West 97.98 feet to a point; thence run N 00-34-27 East 66.27 feet to a point; thence run N 89-49-33 West 5.99 feet to the Point of Beginning.

Containing 6,524.87 Square feet, more or less.

PARCEL 109

Commence at the Northwest corner of Section 6, Township 36 South, Range 18

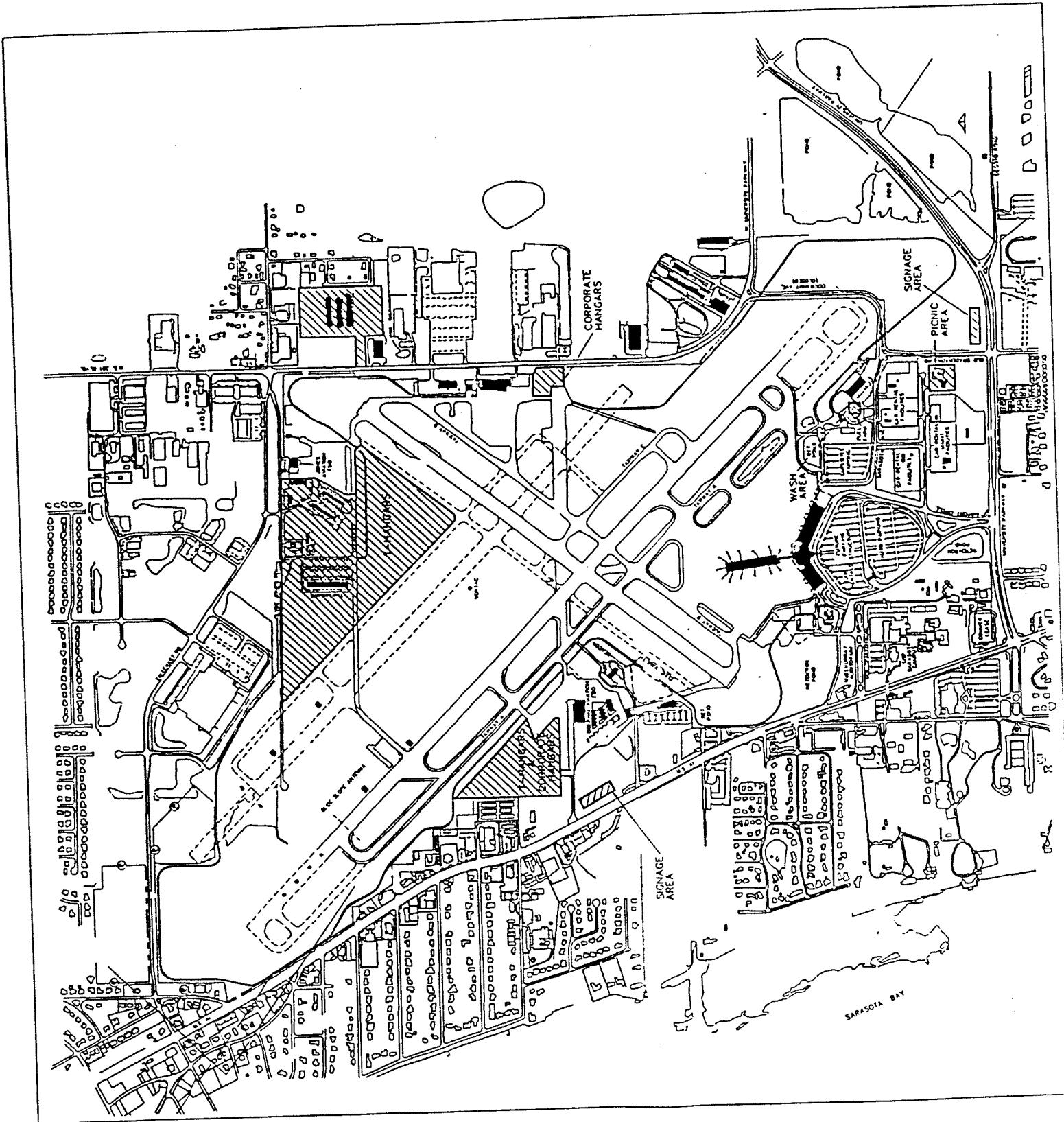
East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,566.84 feet to a point; thence run S 00-34-27 West 500.00 feet to a point; thence run N 89-25-33 West 264.96 feet to the Point of Beginning; thence run N 89-25-33 West 144.00 feet to a point; thence run N 00-34-27 East 67.90 feet to a point; thence run S 89-49-33 East 144.00 feet to a point; thence run S 00-34-27 West 68.91 feet to the Point of Beginning.

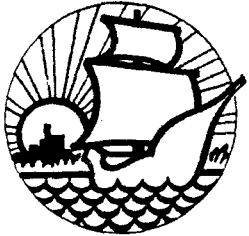
Containing 9,850.53 square feet, more or less.

EXHIBIT "2"

Master Plan Document







## MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

CERTIFIED MAIL P-549 483 926

August 29, 1990

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

Dear Mr. Pelham:

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

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

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

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

Sincerely,

Betsy Benac  
Community Planning Administrator

BB/jy

Enclosures (4)

received 8/31/90  
mailed 8/29/90  
envelope with DRI #95 original  
letter

R-90-98

RESOLUTION GRANTING AN AMENDMENT TO THE FINAL ORDER  
FOR THE SARASOTA-BRADENTON AIRPORT DRI

WHEREAS, the Governor and Cabinet of the State of Florida, sitting as the Florida Land and Water Adjudicatory Commission, approved a Final Order for Sarasota-Bradenton Airport on November 24, 1986; and

WHEREAS, the State of Florida Land and Water Adjudicatory Commission adopted and incorporated in the Final Order the Findings of Fact set out in paragraphs 1-43 in the recommended Order dated October 15, 1986, by the Division of Administrative Hearings.

WHEREAS, Finding of Fact #10 stated the replacement terminal building will be 200,000 square feet with 1200 parking spaces and 12 air carrier gates.

WHEREAS, the Developer has requested that the Final Order for Sarasota-Bradenton Airport be amended to provide for the addition of a 13th gate.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board hereby amends Finding of Fact #10 to allow the Replacement Terminal Building to contain 13 gates, subject to the following stipulations:

1. A Final Site Plan for the terminal project shall be submitted by the applicant and approved by the Planning and Zoning Department prior to building permit application.
2. Prior to the use of the thirteenth (13th) gate, the exit road to Manatee County from the airport parking lot to U.S. 41 shall be completed and open.
3. The annual report for the airport DRI shall address all changes from the approved Development Order which have occurred during the prior year and shall address cumulatively all changes that have been made since the approval of the Development Order.

All other provisions of the Final Order for the Sarasota-Bradenton Airport DRI, not amended hereby, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 26th day of July, 1990.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By:

Patricia M. Glass  
Chairman

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of RESOLUTION NO. R-90-98 adopted by the  
Board of County Commissioners of said County on  
the 26 day of July, 1990, this 27 day  
of August, 1990, in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By: Patricia M. Glass D.C.

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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

RESOLUTION NO.89-151

RE: AMENDMENT TO THE DEVELOPMENT ORDER FOR THE SARASOTA-BRADENTON  
AIRPORT NEW TERMINAL COMPLEX DEVELOPMENT OF REGIONAL IMPACT  
(RESOLUTION NO. 85-408, AS AMENDED)

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA  
COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of  
County Commissioners of Sarasota County, Florida, ("The Board") hereby  
makes the following findings:

1.1 On February 2, 1989 the Sarasota-Manatee Airport Authority  
submitted to Sarasota County a request for proposed changes to the  
Sarasota-Bradenton New Terminal Complex Development of Regional Impact  
Development Order ( Resolution No. 85-408, as amended ) which was  
modified by the Applicant on February 7, 1989 and April 19, 1989.

1.2 The proposed changes which involve the relocation of the  
approved air freight facility, clarifications of the phasing schedule  
as shown on the Master Conceptual Development Plan, a change to the  
annual monitoring report date, and amendments to certain water quality  
and drainage, solid waste and other general conditions as shown in  
Exhibit "B" of this Resolution are consistent with the Final Order  
issued by the Florida Land and Water Adjudicatory Commission, dated  
November 24, 1986, and are not subject to substantial deviation  
determination requirements pursuant to Section 380.06(19) Florida  
Statutes, as amended.

1.3 On May 16, 1989 after public notice pursuant to Chapter  
380, Florida Statutes, the Board of County Commissioners of Sarasota  
County did hold a public hearing to consider whether the changes in  
the Sarasota-Bradenton Airport New Terminal Complex Development Order  
shall be approved.

1.4 The notice of a public hearing was published in the Sarasota  
Herald Tribune on February 21, 1989 and was provided to the Florida  
Department of Community Affairs, the Southwest Florida Regional  
Planning Council, and other persons designated by DCA rules.

1.5 The proposed changes to the Sarasota-Bradenton Airport New  
Terminal Complex Development Order will not unreasonably interfere  
with the achievement of the objectives of any adopted State Land  
Development Plan applicable to the area.

1.6 The proposed changes to the Sarasota-Bradenton Airport New  
Terminal Complex Development Order are consistent with the Sarasota  
County Comprehensive Plan and not in conflict with other local land  
development regulations.

SECTION 2. Approval of Amendment of the Development Order and Condi-  
tions of Approval.

2.1 The Board of County Commissioners of Sarasota County,  
Florida, hereby approves, adopts and incorporates by reference as  
amendments to Sarasota County Resolution No. 85-408, as amended the  
following:

- a) The Master Conceptual Development Plan for the Sarasota-  
Bradenton Airport New Terminal Complex DRI (Map H) attached  
hereto as Exhibit "A".

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILED  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 6/1/89  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY Paula Clontman  
DEPUTY CLERK

- b) An amendment to Section 3.4 of the Development Order for the Sarasota-Bradenton Airport New Terminal Complex DRI, Sarasota County Resolution No. 85-408 as amended, to read as follows (deletions are shown by struck-out letters and additions are shown by underlined letters):

### 3.4 Annual Report Requirements:

The Sarasota-Manatee Airport Authority shall submit an annual report pursuant to the requirements of Chapter 380.06(18), Florida Statutes (1985), Chapter 9J-2.25 (7), Florida Administrative Code (F.A.C.) and procedures established by the SWFRPC, all as may be amended from time to time. This report shall be submitted on July 15 the anniversary of the effective date of the Development Order, for each following year following the effective date of the Development Order, until and including such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The Sarasota-Manatee Airport Authority shall submit this annual report to the Sarasota County Planning Department, the Southwest Florida Regional Planning Council, the Florida Bureau of Land and Water Management, and all other agencies required by law on form BLWM-07-85, as the same may be amended from time to time. The annual report shall contain all information required by Rule 9J-2.25(7)(a) through (j), F.A.C., as the same may be amended from time to time.

- c) The Development Order conditions relating to water quality and drainage, solid waste, and other general conditions, attached hereto as Exhibit "B".

SECTION 3. Effective Date. This Resolution shall take effect upon its adoption and the execution of the consent provided for herein.

### SECTION 4. Consent to Provisions of Resolution.

4.1 The Applicant, by signing this document in the space hereinafter provided, signifies its approval and assent to the provisions of this Resolution.

### SECTION 5. Service and Recording.

5.1 Notice of the adoption of this Resolution and a certified copy of this Resolution shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes, as amended.

5.2 The Sarasota County Clerk shall certify the date upon which certified copies of this Resolution are deposited in the U.S. Mail for the Department of Community Affairs, the Southwest Florida Regional Planning Council, the Tampa Bay Regional Planning Council, City of Sarasota, Manatee County and the Sarasota-Manatee Airport Authority.

CLERK OF RECORD  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

DATE: 6/1/89  
MARGIE DUSCHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY Paula Chastman  
DEPUTY CLERK

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida this 16th day of May, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
By: [Signature]  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk  
of the Circuit Court and  
Ex-Officio Clerk of the Board  
of County Commissioners of  
Sarasota County, Florida

By: [Signature]  
Deputy Clerk

The Sarasota-Manatee Airport Authority hereby approve and assent to all the terms, conditions, and provisions of the above and foregoing Resolution and acknowledge that the same are binding upon the Applicant, its successors and assigns.

Witnesses as to  
the Sarasota-Manatee  
Airport Authority  
[Signature]  
[Signature]

Sarasota-Manatee Airport Authority  
By: [Signature]  
Chairman

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 26th day of May, 1989, by John Reed Buckley as of the Sarasota-Manatee Airport Authority, who acknowledged before me that he executed the same, as its authorized agent, for and in behalf of said Authority.

[Signature]  
Notary Public  
Notary Public, State of Florida  
My Commission Expires Sept. 23, 1989  
Bonded thru Troy Fair Insurance Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a certified copy of the foregoing Resolution was deposited in the U.S. Mail to the Florida Department of Community Affairs, Southwest Florida Regional Planning Council Tampa Bay Regional Planning Council, City of Sarasota, Manatee County, and Sarasota-Manatee Airport Authority this 5th day of June, 1989.

[Signature]  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 6/1/89  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
By: [Signature]  
DEPUTY CLERK

# EXHIBIT A

MASTER CONCEPTUAL DEVELOPMENT  
PLAN FOR THE SARASOTA-BRADENTON  
AIRPORT NEW TERMINAL COMPLEX  
DEVELOPMENT OF REGIONAL IMPACT

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 6/1/89  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY Paula Hesterman  
DEPUTY CLERK

0 100 500  
SCALE IN FEET



## LEGEND

## PHASE

- |                                       |    |
|---------------------------------------|----|
| 1 Main Lobby                          | I  |
| 2 Ticketing                           | I  |
| 3 Bag Claim                           | I  |
| 4 Airside A                           | II |
| 5 Airside B                           | I  |
| 6 Airside C                           | II |
| 7 Aircraft Parking                    | I  |
| 8 Air Freight                         | I  |
| 9 Administration                      | I  |
| 10 Automobile Parking                 | I  |
| 11 Auto Rental Lease Area             | I  |
| 12 Non Aviation Commercial Lease Area | II |
| 13 Flight Kitchen                     | II |
| 14 University of South Florida        | I  |
| 15 Maintenance Facility               | II |

MASTER  
DEVELOPMENT  
PLAN

Revised 8-4-87  
AKE 9-4-87  
MAP H

OLD US 301

PHASE I

PHASE II

PHASE II

PHASE I

PHASE II

PHASE II

GEN SPAATZ BLVD

DESOTO ROAD

MULTI LANE BY OTHERS

EXISTING WELL

R89-151

STATE OF FLORIDA  
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION



SARASOTA-MANATEE AIRPORT  
AUTHORITY and SOUTHWEST  
FLORIDA REGIONAL PLANNING  
COUNCIL,

Petitioners,

vs.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY,

Respondent,

and

BOARD OF COUNTY, CITY OF  
SARASOTA, DEPARTMENT OF  
COMMUNITY AFFAIRS, and TAMPA  
BAY REGIONAL PLANNING COUNCIL,

Intervenors.

RECEIVED

JUN 12 1987

DEPT. OF COMMUNITY AFFAIRS  
GENERAL COUNSEL'S OFFICE

OCT 16 1987

BUREAU OF RESOURCE  
MANAGEMENT  
DRI SECTION

FINAL ORDER

This matter came before the Governor and Cabinet of the State of Florida, sitting as the Florida Land and Water Adjudicatory Commission, pursuant to Section 120.57(1) and 380.07, Florida Statutes, on November 18, 1986 in Tallahassee, Florida for consideration of a Recommended Order from the Division of Administrative Hearings entered on October 15, 1986 (attached as Exhibit A) along with Respondent's Exceptions to the Recommended Order, First Set of Traffic Conditions (along with City and County approval resolutions), Drainage, Public Facilities and other conditions (along with City and County approval Resolutions) and Noise Abatement Conditions (attached as Exhibits B, C, D, E & F respectively). Based upon the Commission's review of the case, it is hereby ordered that:

1. The Commission adopts and incorporates in this Order the Findings of Fact set out in paragraphs 1-43 in the Recommended Order dated October 15, 1986, by the Division of Administrative Hearings (Recommended Order).

2. The Commission adopts and incorporates in this Order the Conclusions of Law set out in the Recommended Order.

24  
Tallahassee



3. The Commission adopts and incorporates in this Order the First Set of Traffic Conditions subject to the approvals of the City of Sarasota and Sarasota County (Exhibit C).

4. The Commission adopts and incorporates in this Order the Second Set of Traffic Conditions subject to the City of Sarasota and Sarasota County approval resolutions (Exhibit D).

5. The Commission adopts and incorporates in this Order the Drainage, Public Facilities and other Conditions subject to the City of Sarasota and Sarasota County approval resolutions (Exhibit E).

6. The Commission adopts and incorporates in this Order the Noise Abatement Conditions (Exhibit F).

7. The Commission incorporates in this Order the Land Use Impacts with Long-Term Noise Compatability Program Map (attached as Exhibit G) contained on page 9 of the Tampa Bay Regional Planning Council's report.<sup>1</sup> This map identifies the long term abatement Ldn contours referred to in the noise abatement conditions adopted in paragraph 6 of this Order. The incorporation of the above referenced 1983 map shall not preclude the Authority from proposing, pursuant to Chapter 380, Florida Statutes, a change to this development order by submittal of a different Land Use Impacts Map based upon updated information or methodology.

A. Ruling on Repsodent's Exceptions to the Recommended Order

1. Respondents exceptions numbered 1-12 to the Hearing Officer's Findings of Fact are denied. Section 120.57(1)(b)(9), Florida Statutes, governs an agency's scope of review of a Hearing Officer's Findings of Fact

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<sup>1</sup>The above mentioned map is also referenced in joint exhibit 7(a) on page 8-8 map 8(b)).

in a Recommended Order. Section 120.57(1)(b)(9) F.S. provides in pertinent part:

[An Agency] may not reject or modify the the Findings of Fact unless the agency first determines from a review of the complete record, and states with particularity in the Order, that the Findings of Fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law.

The exceptions filed by the Repondent to the Hearing Officer's Finding of Facts present no basis for modification or rejection.

2. Respondent's 13th exception alleges that the Hearing Officer's conclusion that the terminal project is consistent with the state comprehensive plan (s. 187 F.S.) is improper and irrelevant.

Section 187.101(1) provides in part:

The State Comprehensive Plan shall provide long range policy guidance for the orderly social economic and physical growth of the State.

Moreover, Section 187.101(19) provides in pertinent part:

(a) [F]lorida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

5. Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth.

This Commission finds that it is neither improper nor irrelevant for a Hearing Officer to take official recognition of the State's Comprehensive Plan and conclude that the proposed project is consistent with the relevant goals and policies set out in the State Comprehensive Plan. Based upon the foregoing, Respondent's 13th exception is denied.

3. Respondent's 14th Exception is denied. The Hearing Officer concluded that the Manatee Plan was developed by the Manatee Planning Commission which is charged with its interpretation, as the designated land planning agency.

Consequently, the Hearing Officer determined that the deference normally given to an agency's interpretation should also properly be given to the Planning Commission's recommendation of consistency."

In the alternative the hearing officer further reasoned that the Board of County Commissioners finding of inconsistency is clearly erroneous:

The Board of County Commissioner's Plan....

finding of inconsistency based upon the aviation precedence interpretation, is clearly erroneous because it ignores the plain meaning of the discretionary term "should" in Policy 11-1A and also ignores the plan administration provision, which provides that conflicting plan provisions are to be disregarded in consistency determinations. It also ignores the Planning Commission's recommendation of consistency without explaining, and supporting such explanation with evidence, why it determined that the ADA will preclude future airport relocation. While Manatee County apparently attempts to establish the fact that future relocation would be precluded by relying on inferences and speculation arising from the costs associated with the terminal project and costs involved with the purchase of residential property within the 65 Ldn contour, competent substantial evidence was not introduced to establish as fact, as opposed to inference or speculation, that future relocation would be precluded. To the contrary, the Planning Commission determined that future relocation would not be precluded by the ADA." (Recommended Order at 18).

4. Based upon the rationale set forth in paragraph 3, Respondent's 15th exception is denied. In Manatee County v. Estech General Chemicals Corporation 402 So.2d 1251 (Fla. 2nd DCA 1981) the Court of Appeals affirmed a FLAWAC decision overruling a Manatee County Board of County Commissioners zoning decision which concerned a development of regional impact. The Court of Appeals expressed "serious doubts" about the applicability of the "fairly debatable" review standard under circumstances similar to the ones at bar.

5. Respondents 16th exception is denied. The Hearing Officer in his findings of fact which were based upon a stipulation of the parties filed on July 25, 1986 stated at paragraph 40 of the finding of facts:

The Manatee County Planning Commission is the designated local planning agency which actually prepared the Manatee Plan, and is responsible for reviewing proposed

developments for consistency with the plan. The Planning Commission recommended to the Manatee Board of County Commissioners that the terminal project be found to be consistent with the Manatee Plan.

6. Respondent's 17th exception is denied. The Hearing Officer cited to ample case authority for support of his conclusion that FLAWAC has jurisdiction to review the special permit denial. (See Recommended Order at 20-21)

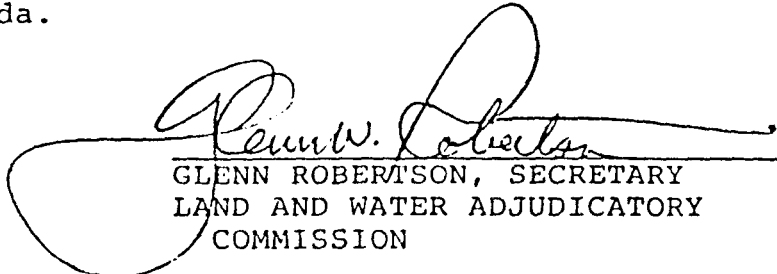
7. Respondent's 18th exception is denied. The Sarasota-Bradenton Airport has been in its present location since 1941. Jet service was initiated in the 1960's (Finding of Fact #3). Moreover, the Hearing Officer concluded that the proposed project was compatible with the surrounding land uses:

The issue of consistency with the Manatee Plan has been dealt with above, under the discussion of the ADA, and need not be repeated here. Concerning the issue of compatibility with surrounding land uses, Manatee County's decision apparently disregards its own decision to create the South County Industrial Area and to designate airports as a primary use in the area. Presumably Manatee County would not have created the South County Industrial Area and designated airports as a primary use, if this was incompatible with surrounding land uses. In any event, the special permit is not for the location of a new airport, but simply to improve terminal facilities within the existing airport. (Recommended Order at 21)

This Order is entered by the Commission pursuant to its authority under Chapter 380, Florida Statutes (1985). It is not intended, nor shall it be construed as affecting or determining any other rights or the parties or the authority of any other state commission, board or government agency to issue permits or approvals under state laws or regulations that may be applicable to the development that was the subject of this appeal or order. Any party to this order has the right to seek judicial review of the order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedures, with the Clerk of the Commission, Glenn W. Robertson, Jr., Office of Planning and Budgeting, Office of the Governor, Room 415 Carlton Building, 501

S. Gadsen Street, Tallahassee, Florida 32399-0001, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal . The Notice of Appeal must be filed within 30 days of the day this order is filed with the Clerk of the Commission.

DONE AND ENTERED this 24<sup>th</sup> day of November 1986, in Tallahassee, Florida.

  
GLENN ROBERTSON, SECRETARY  
LAND AND WATER ADJUDICATORY  
COMMISSION

Copies furnished:

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Post Office Box 669  
Tallahassee, Florida 32302

Charles D. Bailey, Jr., Esquire  
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Sarasota, Florida 33578

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Richard L. Smith, Esquire  
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Tallahassee, Florida 32301

SARASOTA-MANATEE AIRPORT AUTHORITY, )  
AND SOUTHWEST FLORIDA REGIONAL )  
PLANNING COUNCIL, )

vs.

CASE NO. 86-1078

Respondent,

and

Intervenors.

A final hearing was held in this case in Tallahassee, Florida, on July 28-30, 1986, and at the Sarasota-Manatee Airport Authority on August 13, 1986, before Donald D. Conn, a duly designated Hearing Officer of the Division of Administrative Hearings. The parties were represented as follows:

Ross A. McVoy, Esquire  
Post Office Box 669  
Tallahassee, Florida 32302  
; and  
Charles D. Bailey, Jr., Esquire  
Post Office Box 3258  
Sarasota, Florida 33578  
(Sarasota Manatee Airport  
Authority)

David Bruner, Esquire  
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(City of Sarasota)

David Jordan, Esquire  
Department of Community  
Affairs  
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Tallahassee, Florida 32399  
(Department of Community  
Affairs)

Roger S. Tucker, Esquire  
9455 Koger Boulevard  
Suite 209  
St. Petersburg, Florida 33702  
(Tampa Bay Regional  
Planning Council)

At the hearing, Petitioner Sarasota-Manatee Airport Authority (Authority) called two witnesses, Respondent Manatee County called eleven witnesses, and Intervenor Sarasota County, the City of Sarasota and the Department of Community Affairs called one witness each. During a public testimony portion of the hearing, fourteen witnesses offered individual testimony, and an additional thirty-one witnesses adopted the testimony of previous witnesses. The parties introduced a total of forty-six joint exhibits, in addition to the introduction of one exhibit on behalf of the Department of Community Affairs, two on behalf of the City of Sarasota, three on behalf of Manatee County, and four public exhibits.

The final volume of the transcript was filed on August 27, 1986, and the parties were allowed to file proposed findings of fact, conclusions of law and proposed recommended orders by September 15, 1986. A ruling on timely filed proposed findings is included in the Appendix to this Recommended Order.

#### **FINDINGS OF FACT**

The following findings are based upon the stipulation of the parties filed on July 25, 1986:

1. The Sarasota-Manatee Airport Authority (Authority) was created by the Sarasota-Manatee Airport Authority Act, Chapter 31263, Laws of Florida (1955), as amended by Chapter 77-651, Laws of Florida. The members of the Authority are elected by the voters of Manatee and Sarasota Counties. Two members are from Manatee County and two members are from Sarasota County.

2. The Authority owns and operates the "Sarasota-Bradenton Airport" on approximately 1,095 acres of land, portions of which are located within the jurisdictions of the City of Sarasota, Manatee County, and Sarasota County.

3. The Sarasota-Bradenton Airport has been in its present location since 1941. Jet service was initiated in the 1960's.

4. The Authority has proposed what was agreed to be a development of regional impact on a portion of its property. The project includes replacement of existing terminal buildings, automobile parking facilities, rental car agency service facilities, air freight facilities, the relocation of the airport entrance and exit roadways, the placement (sic) of the internal roadway network and construction of a new aircraft parking apron. No runway construction or expansion is proposed.

5. The proposed project involves 173 acres. Improvements are proposed on 89 acres in Sarasota County, 72 acres within the corporate limits of the City of Sarasota, and 12 acres in Manatee County.

6. The project is designed in two phases. Phase One involves demolition of existing structures and construction of new terminal facilities, including air sides A and B, construction of portions of the parking apron, the airport entrance, internal roadways, drainage and wastewater collection improvements on the airfield. Drainage improvements have been permitted and construction completed.

7. Phase Two construction includes air side C and adjacent aircraft parking apron, relocation of the air freight facility, and development of non-aviation commercial lease plots.

8. The present terminal building consists of approximately 83,700 square feet of space (including canopies and land area), about 900 parking spaces and an 18 acre aircraft apron. Since July 1, 1973, several additions to the terminal



have been constructed. These include: 1978--Eastern baggage claim (5,250 square feet); 1979--Wood terminal (15,840 square feet); 1983--Peoples Express Departure Lounge (1,800 square feet); 1983--Commuter terminal (6,000 square feet); and 1984--Main terminal renovations (2,150 square feet).

9. In Binding Letters of Interpretation Nos. 874-046, 874-030 and 975-030, the Department of Community Affairs determined that the construction of a parking lot, the strengthening of existing runways, the extension of taxiways, the addition of blast pads and the construction of a service road in and of themselves were not subject to the provisions of Chapter 380, Florida Statutes.

10. The replacement terminal building will be 200,000 square feet with 1,200 parking spaces and 12 air carrier gates.

11. The airport property zoning in the Manatee County area is "M-1-LI". The property is not zoned in Sarasota County or in the City of Sarasota.

12. In early 1985, the Authority submitted an Application for Development Approval (ADA) to each local government having jurisdiction pursuant to Section 380.06(6), Florida Statutes, which local governments included Manatee County, the City of Sarasota and Sarasota County. In addition, the Authority submitted an application for a "special permit" (SP 85-80) to Manatee County pursuant to the Manatee County Land Development Code.

13. By pre-application agreement, the ADA was limited to questions about general project description, wastewater management, drainage, water supply, solid waste and specific information about public transportation facilities and airports. Copies of the ADA were sent to all appropriate parties.

14. The City of Sarasota and Sarasota County did, after publication and notice, hold joint public hearings on July 24, 1985 (Sarasota Planning Commission/City of Sarasota Planning

Board) and September 12, 1985 (City of Sarasota Commission and Sarasota Board of County Commissioners). Pursuant to the requirements of Chapter 380, Florida Statutes, and the Manatee County Land Development Code, public hearings were held on September 11, October 2, 9 and 11, 1985, before the Manatee County Planning Commission and on October 13 and 17, 1985, before the Board of County Commissioners of Manatee County.

15. The Southwest Florida Regional Planning Council, on July 18, 1985, adopted its "Assessment for the Sarasota-Bradenton Airport" DRI #28485-52 which constituted its Regional Report and Recommendations. The Tampa Bay Regional Planning Council met August 12, 1985, and adopted its Final Report and Recommendations for "DRI #124", Agenda Item #6B.

16. The City of Sarasota and Sarasota County issued timely development orders approving the ADA with conditions. The Department of Community Affairs appealed those Orders regarding traffic impact mitigation required in the Orders. The appeal of the Orders by the Department of Community Affairs has been settled and dismissed.

17. The Manatee County Board of County Commissioners denied both the "special permit" and also the Application of Development Approval.

The following findings of fact are based upon the evidence presented, after considering the credibility and demeanor of witnesses who testified, as well as stipulations entered after the hearing commenced:

18. The Authority and Southwest Florida Planning Council (SWFRPC) timely appealed Manatee County's denials of the "special permit" and ADA.

19. On November 19, 1984, the Department of Community Affairs (Department) issued Binding Letter of Interpretation No. 984-035, which evaluated Phase One of the proposed airport expansion and concluded that Phase One was a development of

regional impact. In its binding letter, the Department found that Phase One would allow an increase in the number of flights, and would thus impact on noise levels near the airport. Further, it was found that "potentially this project will have a substantial impact on noise levels within residential areas located in both Manatee and Sarasota Counties". Binding Letter of Interpretation No. 984-035 was not appealed and remains the Department's final agency action.

20. The Department's Binding Letter of Interpretation No. 984-035 did not determine the extent of regional noise impact that would result from Phase One, nor did it determine or recommend noise mitigation conditions that might be imposed upon the proposed airport expansion at the conclusion of the development of regional impact process.

21. An increase or decrease in airport operations is primarily a function of market demand and airfield capacity. Allen K. Eckle, who was accepted as an expert in civil engineering with expertise in airport planning, noise and transportation, testified that terminal improvements and an expansion of the airport terminal could potentially increase airport noise by increasing market demand, but such an increase resulting solely from terminal improvements or expansion would be imperceptible and unquantifiable. While market demand will be primarily responsible for a projected increase in aircraft volume of as much as 20% over the next five years, the portion of this increased volume attributable to this terminal project has not been established, and therefore it cannot be determined what, if any, increase in noise resulting from this increase in aircraft volume will be directly attributable to the terminal project.

22. The terminal project will facilitate the use of the Sarasota-Bradenton Airport by larger, wide-body aircraft due to improved aircraft parking gate configuration, direct terminal access and larger departure lounge accommodations. The newer,

larger, wide-body aircraft are quieter than smaller aircraft, and therefore the use of the airport by these larger aircraft will lower the average single event noise levels, and thereby lessen, and potentially eliminate, any increase in noise levels which would otherwise occur due to the projected increase in aircraft volume. Aircraft volume is projected to increase whether or not the terminal is replaced or improved. However, the terminal project will allow larger, quieter aircraft to use the airport and thereby have a positive impact on noise levels which would otherwise result from such increased volume.

23. The Authority prepared an Airport Noise Control and Land Use Compatibility Study (ANCLUC), a document entitled "A Discussion of the Potential Noise Impacts Associated With the New Terminal Complex at the Sarasota-Bradenton Airport", as well as a Part 150 Study. A Part 150 Study evaluates noise impacts from airport operations by estimating areas of noise exposure expressed as 65 Ldn, 70 Ldn and 75 Ldn. The Ldn measurement of noise represents the average noise level during an entire day, weighted so as to double the measured values of nighttime noise. Outdoor speech interference occurs within the 65 Ldn contour and residential uses within the 70 Ldn and 75 Ldn contours are strongly discouraged. Based on the original Part 150 Study, as well as revised analyses of current conditions, there are between 4,250 and 5,127 residents within the 65 Ldn contour, which is an area that is generally accepted to be incompatible with residential use.

24. Based upon the Part 150 Study, as well as the additional analyses completed by the Authority, the Department determined that the ADA provides adequate mitigation for any project related noise impacts when conditioned with the recommendations of the Tampa Bay Regional Planning Council (TBRPC) made on August 12, 1985, agenda item 6B, Recommended Regional Conditions Numbered 2-A through I. TBRPC Condition 2 is

hereby incorporated by reference in its entirety. It is also found to be reasonable and provides effective mitigation of project impact.

25. With the approval of the Federal Aviation Administration (FAA), the Authority has already implemented a noise abatement turn for jet aircraft taking off from runway 31 which allows aircraft to depart over water by making a left turn to 270 degrees as soon as practicable after take off. In this way, noise sensitive residential areas in Manatee County are avoided to the maximum extent feasible, although different residential areas west of the airport, including Longboat Key, are now impacted. Nevertheless, this noise abatement turn has been effective in reducing the overall impact of airport noise. While the noise abatement turn clearly does not result from the terminal project which has yet to be completed, it is relevant to this proceeding since TBRPC conditioned its approval of this project upon the institution of such a noise abatement turn on runway 31.

26. The Authority has already voluntarily implemented a noise compatibility program substantially incorporating the short-term and long-term elements in TBRPC Condition 2-A. Short-term elements include: noise abatement turn on runway 13, as well as runway 31; between 10:00 PM and 7:00 AM, required use of ground power units, elimination of the use of external public address system, and prohibition of non-emergency maintenance runups; formation of a noise abatement advisory committee; hiring of a noise abatement officer; noise monitoring and complaint response programs; plan review and evaluation; and public information. Long-term elements include, in addition to continuation of short-term elements: purchase of aviation easements or fee simple interests in properties involved in a joint stipulation; purchase of aviation easements over residential properties in the 75 Ldn contour which were purchased

by present owners prior to January 1, 1980; and purchase of fee-simple interest in residential properties in the 75 Ldn contour which were purchased by present owners prior to January 1, 1980.

27. An apparent difference between the TBRPC conditions and the voluntary noise compatibility program implemented by the Authority is the fact that the Authority has specifically conditioned the purchase of fee-simple interests on the availability of federal funds, which TBRPC has not. Additionally, TBRPC Conditions Numbered 2-B through I (relating to periodic reporting, coordination with adjacent local governments, reduction of areas within the 70 to 75 Ldn and 75+ Ldn contours, review and comment by the Authority on rezonings and land use amendments, noise exposure disclosure in all deeds and real estate transactions, on-going noise monitoring program, compliance with Federal Aviation Regulation Part 36 Stage Two noise limits, and requiring a demonstration of substantial compliance with the foregoing before commencing Phase Two of the project) are not specifically included in the Authority's voluntary program.

28. The FAA expressed concerns about the Authority's Part 150 Study because 1983 airport operations data were used for existing (1985) conditions without any showing that 1983 data were valid for 1985. In response to the FAA's concerns, the Authority compiled supplemental information and an additional analysis. Laddie E. Irion, who was accepted as an expert in airport noise compatibility planning and was formerly the noise abatement officer at the Sarasota-Bradenton Airport, prepared the additional analysis which concluded there was little, if any, direct relationship between this terminal project and increased airport noise levels. Manatee County's expert in aircraft noise analysis and abatement, Edward M. Baldwin, agreed with the FAA's concerns about the Part 150 Study, but also agreed with Irion's approach in addressing those concerns and his conclusion that the

terminal project itself is unlikely to have any positive or negative impact on noise exposure.

29. The airport, including the specific location of the terminal project, is not within any area of critical state concern.

30. The State Comprehensive Plan is found at Chapter 187, Florida Statutes, and includes among its goals and policies "insur(ing) that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth". The project is consistent with this policy of the State Comprehensive Plan since it has been established that the existing terminal is permanently being used to the maximum extent possible. In its denial of the ADA, Manatee County failed to make a finding as to whether the ADA is compatible with the State Comprehensive Plan.

31. The project is compatible with the reports and recommendations of TBRPC and SWFRPC, the applicable regional planning councils, if conditions recommended by those councils are included in any development order. The parties have stipulated to the transportation conditions proposed by TBRPC which were filed at the hearing on August 13, 1986, as amended, which are hereby incorporated by reference. The parties also stipulated to conditions concerning wastewater management, drainage, water supply, solid waste and other conditions which were recommended by TBRPC, SWFRPC or other parties hereto, and said stipulation is hereby incorporated by reference.

32. The City of Sarasota and Sarasota County have both issued development orders approving this development of regional impact after having found that the project is consistent with their local comprehensive plans. The Department has concurred with this finding of consistency.

33. Manatee County determined that the proposed terminal project is inconsistent with its local comprehensive plan and accordingly denied the ADA, as well as the application for special permit SP-85-80.

34. The Manatee County Comprehensive Plan was adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Part II, Florida Statutes. Elements of the Plan include plan administration, future land use, aviation and related elements. The aviation element was cited by Manatee County in its denial of development approval, even though the future land use element allows the airport as a primary use in the South County Industrial Area.

35. The goal of the aviation element of the Manatee County Comprehensive Plan is as follows:

Develop airport facilities that adequately provide for the services and needs of passengers, commercial airlines, and general aviation users, and that are compatible with adjacent land uses, high environmental standards and public safety.

This goal is supported by the following objectives:

Facilities -- Construct support facilities (including terminal and parking facilities) that are functional, convenient, aesthetically pleasing, and adequate for all levels -- passenger airline and general aviation.

Service -- Strive to attract increased availability and quality of commercial air service.

36. The terminal project is consistent with the above-quoted goal and objectives of the Manatee County Comprehensive Plan aviation element. It will provide a modern terminal and parking facilities which will allow passengers to enplane and deplane out of the weather, and will be able to handle present and projected passenger traffic more safely and comfortably. The present terminal facility is undersized and inadequate. The project is also compatible with adjacent land uses since it is



within the South County Industrial Area where the airport is a primary use.

37. There appears to be an internal conflict within the aviation element of the Manatee Plan concerning the subject of airport relocation. Objective I-D provides:

Relocation -- Continue to investigate the needs and opportunities for either expansion or relocation of Sarasota-Bradenton Airport. (Emphasis Supplied.)

Policy 11-1A concerning airport development provides:

Airport relocation -- Airport facilities designed to handle major air carriers should be relocated east of the existing site. The new site should be closely coordinated with other governmental activities, such as the possible joint use of the site with sewage effluent spray irrigation, to ensure long term service ability of the new facility. (Emphasis Supplied.)

38. The plan administration element of the Manatee Plan addresses the interpretation of the Plan when provisions are in conflict, as above, and states:

. . . . where two or more such provisions are inconsistent with each other they shall not be given effect nor considered as part of the Plan in the situation which causes the inconsistency,

However, rather than recognizing this conflicting direction regarding airport relocation in its Plan, and therefore disregarding the conflicting provisions in its consistency determination, Manatee County determined that policy 11-1A, airport relocation, takes precedence over all other policies in the Plan in that it is the most specific policy, and further determined that the terminal project was inconsistent with this policy since it would preclude relocation in the future.

39. No evidence was presented, however, that would support a finding that this project would, in fact, preclude relocation in the future. Additionally, Manatee County's determination of inconsistency itself appears to be inconsistent

with the plan administration element wherein the use of the word "should" is specifically interpreted to be discretionary and not mandatory. Therefore, by using the discretionary "should" in policy 11-1A, airport relocation is discretionary by the very terms of the Manatee Plan. Furthermore, the capital projects necessary for airport relocation, such as site acquisition and construction, are also couched with discretionary language in the Plan. No site for relocation of the airport east of the existing airport has been designated in the Manatee Plan and no sites of sufficient acreage are currently zoned for airport use.

40. The Manatee County Planning Commission is the designated local planning agency which actually prepared the Manatee Plan, and is responsible for reviewing proposed developments for consistency with the Plan. The Planning Commission recommended to the Manatee Board of County Commissioners that the terminal project be found to be consistent with the Manatee Plan. The Chief of Comprehensive Planning for Manatee County, Carole Clark, presented three possible interpretations of the Plan to the County Commission as follows, but offered no recommendation as to which was the correct interpretation:

(a) Conflicting Direction. The Board may determine that Policy 11-1A Airport Relocation is in direct conflict with the policies of the Land Use Element, which makes airports a primary use in the South County Industrial Area. In accordance with principle A-6, those two provisions would not be considered part of The Plan in this instance. The determination would then be based on the remaining policies of the Aviation Element, and the proposal could be consistent with The Manatee Plan.

(b) Long Term Direction. The Commission may determine the policy of airport relocation to be long term and not necessarily precluded by the proposed improvements. This interpretation reflects the Implementation section of the Aviation Element which places relocation between 1985-2000.

(c) Aviation Precedence. Finally, the Commission may find that Policy 11-1A, Airport Relocation, takes precedence over all other policies in that it is the most specific policy. If it was determined that the proposed expansion would preclude relocation, the proposal would then be found to be inconsistent with The Plan.

As previously stated, the Manatee Board of County Commissioners determined that the "aviation precedence" interpretation was correct and accordingly denied both the ADA and special permit. In making its recommendation of consistency, the Planning Commission had found that the "long term direction" interpretation was correct. During her review of this matter, Carole Clark testified she did not consider provisions of the State Comprehensive Plan found at Section 187.201(17), Florida Statutes.

41. The Manatee Planning Commission's recommendation of consistency is supported by the testimony of Blain Oliver, who was accepted as an expert in land use planning, and Mark Woerner, who was accepted as an expert in comprehensive planning.

42. Based upon findings of fact 33 through 41, it is found that the terminal project as proposed herein is consistent with the Manatee Plan.

43. Because the airport is in an area zoned M-1, which treats airports as a "conditional use", the Authority was required to obtain a "special permit" from Manatee County. Factors in reviewing an application for a special permit include a determination of consistency with the Manatee Plan, and also a determination of compatibility with surrounding land uses. A finding of consistency with the Plan has been made above. Although there are residential areas in close proximity to the airport, the airport is located in the South County Industrial Area in which airports are a primary use. The proposed project to replace and improve the terminal facilities is clearly

compatible with the primary use within the South County Industrial Area -- the airport. Conditions recommended by TBRPC would reasonably address the concerns of residents in surrounding neighborhoods.

#### CONCLUSIONS OF LAW

The Division of Administrative Hearings has jurisdiction over the parties and subject matter in this case, pursuant to Section 120.57(1), Florida Statutes. The Florida Land and Water Adjudicatory Commission has jurisdiction pursuant to Section 380.07, Florida Statutes.

#### Application for Development Approval

Section 380.06(14), Florida Statutes, sets forth the criteria that a local government must consider in reviewing an Application for Development Approval (ADA) outside an area of critical state concern, as follows:

..... in considering whether the development shall be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(a) The development unreasonably interferes with the achievement of the objectives of an adopted state land development plan applicable to the area;

(b) The development is consistent with the local comprehensive plan and local land development regulations; and

(c) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12).

There is no dispute that the terminal project is a development of regional impact subject to Chapter 380, Florida Statutes. It, therefore, needs to be determined if Manatee County's denial of the ADA meets the above cited criteria.

The terminal project is consistent with the State Comprehensive Plan, and, in particular, the following provisions of Section 187.201, Florida Statutes:

(17) **PUBLIC FACILITIES --**

(a) **Goal --** Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) **Policies --**

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.

\* \* \*

(19) **TRANSPORTATION --**

(a) **Goal --** Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

(b) **Policies --**

5. Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth.

The ADA promotes the continued use and rehabilitation of the existing terminal which can no longer meet airport demand. By renovating and improving the terminal facilities, the ADA will maximize the existing facility which otherwise will not be able to serve users of the airport in a timely, orderly and efficient manner. Additionally, the terminal improvements will enable the existing airport to be used to the maximum extent possible before developing a new airport, although eventual relocation is not precluded by the ADA.

The ADA is also consistent with the reports and recommendations of the SWFRPC and TBRPC, when conditioned with their recommendations, the substantial majority of which have been stipulated to by the parties or voluntarily implemented by the Authority. Noise concerns have been reasonably addressed by

the regional planning councils and, in any event, it has not been established that the terminal project itself will be directly responsible for any increase in noise levels. To the contrary, single event noise levels may decrease due to larger, quieter aircraft using the airport after these improvements are made.

The key issue is whether the ADA is consistent with the local comprehensive plan and local development regulations. Manatee County contends it is not, and it was on this basis that it denied the ADA. The Authority, Sarasota County and the City of Sarasota, contend it is consistent, and in support of their position, rely on the terms of the Manatee Plan itself, the testimony of Blain Oliver and Mark Woerner, as well as the position taken by the Manatee County Planning Commission, the designated local planning agency.

As Manatee County points out, it is well settled that an agency is given broad discretion in the interpretation of its own rules. Further, in any judicial review of a local zoning decision, the decision of the local government is presumed to be valid and must be upheld as long as it is fairly debatable. Cohen v. School Board of Dade County, 400 So.2d 1238 (Fla. 3d DCA 1984); Bell v. City of Sarasota, 371 So.2d 525 (Fla. 2nd DCA 1979). Nevertheless, when an agency's interpretation is clearly erroneous, it must not be followed. Natelson v. Department of Insurance, 454 So.2d 31 (Fla. 1st DCA 1984); School Board of Pinellas County v. Department of Administration, Division of Retirement, 492 So.2d 767 (Fla. 1st DCA 1986). Additionally, in a case with strikingly similar facts to this case, the Second District Court of Appeal expressed "serious doubts" about the applicability of the "fairly debatable" review standard under these circumstances. Manatee County v. Estech General Chemicals Corporation, 402 So.2d 1251 (Fla. 2nd DCA 1981).

In this case, the Manatee Plan is not solely the plan of the Board of County Commissioners since it was developed by

the Manatee Planning Commission which is also charged with its interpretation, as the designated land planning agency. As such, the deference normally given to an agency's interpretation should also properly be given to the Planning Commission's recommendation of consistency.

However, even assuming that the Manatee Plan is the Board of County Commissioner's Plan, their finding of inconsistency based upon the aviation precedence interpretation, is clearly erroneous because it ignores the plain meaning of the discretionary term "should" in Policy 11-1A and also ignores the plan administration provision, which provides that conflicting plan provisions are to be disregarded in consistency determinations. It also ignores the Planning Commission's recommendation of consistency without explaining, and supporting such explanation with evidence, why it determined that the ADA will preclude future airport relocation. While Manatee County apparently attempts to establish the fact that future relocation would be precluded by relying on inferences and speculation arising from the costs associated with the terminal project and costs involved with the purchase of residential property within the 65 Ldn contour, competent substantial evidence was not introduced to establish as fact, as opposed to inference or speculation, that future relocation would be precluded. To the contrary, the Planning Commission determined that future relocation would not be precluded by the ADA..

Based upon the foregoing, it is concluded that the Authority has met the criteria for approval of its ADA under Section 380.06(14), Florida Statutes, with conditions recommended herein.

#### **Special Permit Application**

Special Permit 85-80 is a "development permit" as that term is defined in Section 380.031(4), Florida Statutes. The denial of a development permit is a development order as defined

in Section 380.031(3), Florida Statutes, and appeal of such denial to the Florida Land and Water Adjudicatory Commission (FLWAC) is authorized by Section 380.07(2), Florida Statutes.

Manatee County urges that FLWAC has no authority to review Manatee County's denial of this special permit, and in support cites Friends of the Everglades, Inc., v. Board of County Commissioners of Monroe County, 456 So.2d 904 (Fla. 1st DCA 1984), wherein the court stated:

The major antecedent behind the DRI concept in Florida is that "most land-use decisions have no significant effect on state or regional interests and therefore should be made at the local level. Chapter 380 accordingly preserves the rights of local governments to the maximum extent possible in zoning property within its [sic] boundaries. 456 So.2d at 909.

The issue in Friends of the Everglades was the standing of environmental groups to appeal development orders to FLWAC when the local regional planning council and Department of Community Affairs declined to appeal. The court held that such groups did not have standing and, further, the limitation of standing to the developer, property owner, regional planning council and the Department was held to be constitutional.

Thus, the issue dealt with in Friends of the Everglades was far different than the issue in this case. There is no question of standing in this case. The point raised by Manatee County is FLWAC's jurisdiction over the parties and subject matter in this case. This is not an appeal by environmental groups who lack standing, but by the developer, property owner, regional planning councils and the Department from a development order within the plain meaning of Sections 380.031(3),(4), Florida Statutes. For this reason, Friends of the Everglades does not support Manatee County's position.

Other cases cited by Manatee County also deal with standing and not the key issue regarding the special permit --



Does FLWAC have authority to review local zoning decisions as part of the development of regional impact appeal process? Sarasota County v. Beker Phosphate Corporation, 322 So.2d 655, 658 (Fla. 1st DCA 1975); Landano v. City of Alachua, 438 So.2d 91, 93 (Fla. 1st DCA 1983).

Contrary to Manatee County's position, cases directly on point to the issue in this case have held that FLWAC does have jurisdiction in these instances. The issue in Manatee County v. Estech General Chemicals Corporation, 402 So.2d 1251 (Fla. 2nd DCA 1981), involved the proper method for review of a decision of a county zoning authority concerning a development of regional impact. The court stated:

Manatee and Sarasota readily concede that pursuant to Chapter 380, the Land and Water Adjudicatory Commission had the power to review that part of Manatee's decision concerning the application for a DRI. However, they contend that the Commission did not have jurisdiction to overrule their denial of the applications for a special exception and for approval of a master mining plan under the Manatee County zoning ordinance because these were local zoning matters which local authorities and not state authorities should handle. Thus, they suggest that the issue of this case is whether the authority to make local zoning decisions will continue to rest with counties and municipalities or will be vested in the state government. We cannot agree that the issue here is quite such an apocalyptic one. As Manatee and Sarasota concede, local zoning decisions have always been subject to review by certiorari in the circuit court. Accordingly, we view the issue merely as being whether the legislature, in enacting Chapter 380, shifted the review of local zoning decisions which concern developments of regional impact from the circuit court to the Land and Water Adjudicatory Commission. After a careful consideration of the relevant authorities, we have decided that indeed the legislature has changed the review process for local zoning decisions in cases

involving developments of regional impact . . . Chapter 380, in providing for review of local zoning decisions in the DRI process, does not remove local land use decisions from the control of local governing bodies. It simply shifts the review of those decisions from the circuit court to the Land and Water Adjudicatory Commission. Because a development of regional impact substantially affects more than one county, the Adjudicatory Commission will review decisions with regional interests in mind.

Accord, General Electric Corporation of Georgia v. Metropolitan Dade County, 346 So.2d 1049 (Fla. 3d DCA 1977). Based upon these authorities and the plain meaning of the terms used in Chapter 380, Florida Statutes, it is therefore concluded that FLWAC has jurisdiction to review the special permit denial.

Manatee County denied the special permit because, in its determination, it was inconsistent with the Manatee Plan and also because the terminal project would be incompatible with the surrounding land uses. The issue of consistency with the Manatee Plan has been dealt with above, under the discussion of the ADA, and need not be repeated here. Concerning the issue of compatibility with surrounding land uses, Manatee County's decision apparently disregards its own decision to create the South County Industrial Area and to designate airports as a primary use in the area. Presumably Manatee County would not have created the South County Industrial Area and designated airports as a primary use, if this was incompatible with surrounding land uses. In any event, the special permit is not for the location of a new airport, but simply to improve terminal facilities within the existing airport.

Manatee County's finding of incompatibility is premised upon an increase in noise which will result from this project. Not only has Manatee County failed to establish the factual basis for this premise, the evidence indicates that without this project aircraft volume will still increase and the larger,

quieter airplanes will continue to be precluded from using the Sarasota-Bradenton Airport due to inadequate terminal facilities. Additionally, the evidence shows the Authority has already instituted a noise mitigation program which, along with adherence to conditions recommended by TBRPC, will be both reasonable and effective.

#### RECOMMENDATION

Based upon the foregoing, it is,

#### **RECOMMENDED:**

That the Florida Land and Water Adjudicatory Commission enter a Final Order granting the Application for Development Approval and special permit sought by the Sarasota-Manatee Airport Authority, thereby reversing prior decisions of the Board of County Commissioners of Manatee County, and condition such approval upon the Authority's compliance with the terms of the stipulations entered into by the parties regarding transportation, drainage, wastewater supply, solid waste and other conditions, as well as the Tampa Bay Regional Planning Council Conditions Numbered 2-A through I referenced in Finding of Fact 24.

DONE AND ENTERED this 15<sup>th</sup> day of October, 1986, at Tallahassee, Florida.



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Hearing Officer  
Division of Administrative Hearings  
The Oakland Building  
2009 Apalachee Parkway  
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Filed with the Clerk of the  
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this 15<sup>th</sup> day of October, 1986.

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## A P P E N D I X

Rulings on Proposed Findings of Fact filed on behalf of  
the Sarasota-Manatee Airport Authority:

1. Adopted in Finding of Fact 1.
2. Adopted in Finding of Fact 2.
3. Adopted in Finding of Fact 3.
4. Adopted in Finding of Fact 4.
5. Adopted in Finding of Fact 5.
6. Adopted in Finding of Fact 6.
7. Adopted in Finding of Fact 7.
8. Adopted in Finding of Fact 8.
9. Adopted in Finding of Fact 9.
10. Adopted in Finding of Fact 10, 11.
11. Adopted in Finding of Fact 12.
12. Adopted in Finding of Fact 13.
13. Adopted in Finding of Fact 14.
14. Adopted in Finding of Fact 15.
15. Adopted in Finding of Fact 16.
16. Adopted in Finding of Fact 17.
17. Adopted in Findings of Fact 21, 22, 24.
18. Adopted in Findings of Fact 21, 22, 24.
18. Adopted in Findings of Fact 21, 22, 24.
19. Adopted in Findings of Fact 21, 22, 24.
20. Adopted in Findings of Fact 21, 22, 24.
21. Adopted in Findings of Fact 23, 24, 28.
22. Adopted in Finding of Fact 26.
23. Adopted in Finding of Fact 24.
24. Adopted in Finding of Fact 28.
25. Adopted in Finding of Fact 28.
26. Adopted in Finding of Fact 28.
27. Adopted in Findings of Fact 25, 26.
28. Adopted in Finding of Fact 23.
29. Adopted in Finding of Fact 23.

30. Adopted in Finding of Fact 23.
31. Adopted in Finding of Fact 23.
32. Adopted in Findings of Fact 25, 26.
33. Adopted in Findings of Fact 25, 26.
34. Adopted in Findings of Fact 25, 26.
35. Adopted in Findings of Fact 25, 26.
36. Adopted in Findings of Fact 25, 26.
37. Adopted in Finding of Fact 28.
38. Rejected as irrelevant and unnecessary.
39. Adopted in Finding of Fact 30.
40. Adopted in Finding of Fact 30.
41. Rejected as irrelevant and unnecessary.
42. Adopted in Finding of Fact 29.
43. Adopted in Finding of Fact 31.
44. Adopted in Finding of Fact 31.
45. Adopted in Finding of Fact 32.
46. Adopted in Finding of Fact 32.
47. Rejected as irrelevant and unnecessary.
48. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
49. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
50. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
51. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
52. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
53. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
54. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
55. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.

56. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
57. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
58. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
59. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
60. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
61. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
62. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
63. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
64. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
65. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
66. Adopted in Findings of Fact 33-42, but otherwise rejected as unnecessary, irrelevant and not based on competent substantial evidence.
67. Adopted in Finding of Fact 43.

Rulings on Proposed Findings of Fact filed on behalf of  
Manatee County:

1. Adopted in Finding of Fact 2.
2. Adopted in Finding of Fact 5.
3. Adopted in Findings of Fact 4, 6, 7.
4. Adopted and rejected in part in Findings of Fact 21 and 22, but otherwise rejected as not based on competent substantial evidence.
5. Adopted and rejected in part in Findings of Fact 21 and 22, but otherwise rejected as not based on competent substantial evidence.

6. Adopted in Finding of Fact 23.
7. Adopted in Finding of Fact 23.
8. Adopted in part in Finding of Fact 24, but otherwise rejected as unnecessary.
9. Adopted in part in Finding of Fact 28, but otherwise rejected as unnecessary.
10. Rejected as irrelevant and not based on competent substantial evidence.
11. Adopted in part in Finding of Fact 34.
12. Adopted in part in Findings of Fact 33-42, but otherwise rejected as not based on competent substantial evidence.
13. Adopted in part in Findings of Fact 33-42, but otherwise rejected as not based on competent substantial evidence.
14. Adopted in part in Findings of Fact 33-42, but otherwise rejected as not based on competent substantial evidence.
15. Adopted in part in Findings of Fact 33-42, but otherwise rejected as not based on competent substantial evidence.
16. Adopted in part in Findings of Fact 33-42, but otherwise rejected as not based on competent substantial evidence.
17. Adopted in Finding of Fact 43.
18. Rejected as irrelevant and unnecessary based on Findings of Fact 24-26.
19. Rejected as irrelevant and unnecessary based on Findings of Fact 24-26.
20. Rejected as irrelevant and unnecessary based on Findings of Fact 24-26.
21. Rejected as irrelevant and unnecessary based on Findings of Fact 24-26.
22. Rejected as irrelevant and unnecessary based on Findings of Fact 24-26.
23. Adopted in part in Finding of Fact 26.
24. Rejected as cumulative, irrelevant and contrary to Finding of Fact 28.
25. Rejected as irrelevant and unnecessary.
26. Rejected as irrelevant and unnecessary.



*for att. to 1/*  
*Susan Swift*  
*Susan Lynn*

Ruling on proposed Finding of Fact filed on behalf of  
the Department of Community Affairs:

1. Introductory material.
2. Adopted in Findings of Fact 19, 20.
3. Adopted in Finding of Fact 22.
4. Conclusion of law.
5. Conclusion of law.
6. Conclusion of law.
7. Conclusion of law.
8. Conclusion of law.
9. Conclusion of law.
10. Conclusion of law.
11. Conclusion of law.

STATE OF FLORIDA  
LAND AND WATER ADJUDICATORY COMMISSION

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY,

Appellant,

vs.

CASE #86-6  
FIRST D.C.A.  
DOCKET NUMBER: BR-152

SARASOTA-MANATEE AIRPORT  
AUTHORITY, SOUTHWEST FLORIDA  
REGIONAL PLANNING COUNCIL,  
BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, CITY OF  
SARASOTA, DEPARTMENT OF  
COMMUNITY AFFAIRS, and TAMPA  
BAY REGIONAL PLANNING COUNCIL,

Appellee.

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FINAL ORDER

This cause having come before the Florida Land and Water Adjudicatory Commission (the "Commission") on May 5, 1987, in Tallahassee, Florida, pursuant to the Sarasota-Manatee Airport Authority's (the "Authority's") motion to require the Board of County Commissioners of Manatee County ("Manatee County") to post a supersedeas bond, or impose other conditions, the Commission enters the following Order:

1. The Authority owns and operates the Sarasota-Bradenton Airport. The airport is located within the jurisdictions of the City of Sarasota, Manatee County and Sarasota County.

2. The Authority proposes to construct on its property certain additions, improvements, and extensions to the existing airport which amounted to a "development of regional impact" within the meaning of Chapter 380, Florida Statutes. Development orders approving the project have been entered by Sarasota County and the City of Sarasota. However, Manatee County issued a development order denying the construction of the proposed development. Manatee County based its denial on an alleged inconsistency between the proposed development and Manatee County's local comprehensive plan.

3. The Authority appealed the denial of the proposed development to the Commission. On November 24, 1986, the Commission entered a Final Order reversing the denial of the project by Manatee County, which had the effect of approving the construction of the proposed development in Manatee County.

4. Manatee County then appealed the Final Order of the Commission to the First District Court of Appeal and invoked the automatic stay provisions of Rule 9.310(b)(2), Florida Rules of Appellate Procedure. Rule 9.310(b)(2), provides, in pertinent part:

The timely filing of a notice [of appeal] shall automatically operate as a stay pending review.  
. . . when the State, any public officer in an official capacity, board, commission, or other public body seeks review . . . . On motion, the lower tribunal or court may extend a stay, impose any lawful conditions, or vacate the stay.

5. Subsequently, the Authority filed a pleading with this tribunal entitled "Sarasota-Manatee Airport Authority's Motion to: (1) Require Manatee County to post a Supersedeas Bond or (2) If Excused from Posting Bond Such Action be without Prejudice to Seek Recovery of Damages and Costs Resulting from Manatee County's Acceptance of Stay or (3) Vacate Stay." That motion forms the subject of this Final Order.

6. In its motion, the Authority alleges that the delay occasioned by this appeal will result in a loss of \$7,347,120.

7. Manatee County, quite obviously, has relied on the first sentence of the language quoted in Paragraph 4 above to preclude the Authority from engaging in construction during the pendency of the appeal before the district court. In the Authority's motion, reliance is instead placed upon the last sentence of the above quoted language, and the Authority now requests that the Commission either vacate the automatic stay, impose as a condition a requirement

Manatee County to post a supersedeas bond, or, if excused from posting the bond, place Manatee County on notice that the Authority may seek damages against Manatee County if the authority prevails in the appeal.

8. It is apparent from the extensive treatment given the subject in the Authority's motion that the Authority would most prefer that the Commission impose upon Manatee County a requirement to post a supersedeas bond. This the Commission declines to do. For the reasons set forth below, the Commission believes that in the absence of extraordinary circumstances -- circumstances which are not present here -- it is inappropriate to require a bond from a local government when to do otherwise would unduly inhibit a local government's exercise of its right to seek review of an adverse decision from this Commission.

9. In City of Lauderdale Lakes v. Corn, 415 So.2d 1270 (Fla. 1982), a city appealed an adverse ruling in which a trial court had accepted the argument of a land developer who had challenged the validity of a city ordinance. On appeal, the trial court granted the developer's motion to require the local government to post a supersedeas bond, and the district court affirmed. The Florida Supreme Court, however, reversed the ruling of the lower courts, stating that it "cannot agree that the supersedeas bond is proper for appellate review of legislative planning-level determinations." Id. at 1272. The Court noted that "[r]equiring a bond in this situation would clearly chill the right of a governmental body to appeal an adverse trial court decision declaring invalid a legislative act." Id. The Court did, however, "construe rule 9.310(b)(2) as allowing trial and appellate courts to require governmental entities to post supersedeas bonds in suits where the judgment concerns operations-level functions." Id.

10. In its motion, the Authority concedes that Manatee County's determination that the proposed development

is inconsistent with the local comprehensive plan is not an operational-level function, and therefore, does not fall within the exception clearly explicated in Corn which would allow the Commission to require the posting of a bond. However, the Authority states that neither was Manatee County's determination a legislative planning-level function, and therefore, does not fall within the rule of Corn which would clearly preclude the imposition of a bond requirement. Rather, the Authority argues, Manatee County acted in a quasi-judicial capacity when it measured the proposed development against its previously adopted comprehensive plan. The Authority asserts that it would be appropriate to require the posting of a bond by Manatee County when the local government has acted in a quasi-judicial capacity.

The Authority cites City of Delray Beach v. Department of Transportation, 444 So.2d 506 (Fla. 1st DCA 1984), for the proposition that a local government may be required to post a bond when the appellate review addresses neither operation-level nor planning level determinations. In Delray Beach, the Department of Transportation reclassified a roadway in the city, thus transferring jurisdiction over the roadway from the city to the county. The city appealed the order of the Department to the First District Court of Appeal, and the transfer of jurisdiction over the roadway was stayed. The county moved the lower tribunal to vacate the stay. The lower tribunal instead upheld the stay but conditioned the stay upon the city posting a supersedeas bond.

On appeal of the lower tribunal's order, the district court stated:

Insofar as the judgment involved herein concerned no 'decision' of the City which could be characterized as either an operational or planning level function, we find that there exists no basis warranting application of the Corn rule and conclude that the Department's decision requiring the posting of a supersedeas bond was an appropriate exercise of its discretion. Id. at 507.

Importantly, the district court did not characterize the "decision" of the city as quasi-judicial, and we do not believe that it was. Therefore, assuming that there is merit to the Authority's characterization of Manatee County's action as "quasi-judicial," we believe that it remains unanswered whether the quasi-judicial acts of a local government should be afforded the same deference as those classified as "legislative" in Corn.

We find that we need not answer that question at this juncture. However, we note that sound policy considerations militate in favor of not requiring local governments to post bonds under such circumstances when the action complained of involves functions such as those that have been identified by the Authority as "quasi-judicial." As implied in Corn, it would significantly hinder a local government's resolve to make and vigorously defend its decisions if there was a substantial likelihood that the local government might be liable for delay damages as the decision underwent scrutiny by the appellate courts.

However, assuming that the Authority is correct in its reading of Corn and Delray Beach, Rule 9.310 nevertheless vests within this tribunal broad discretion to impose or forebear from imposing a bond requirement upon Manatee County in this instance. Taking into account the identity of the litigants, the nature of the litigation, and the potential for damages, we decline to impose a bond requirement upon Manatee County.

11. The Authority next argues that if the Commission declines to impose a bond requirement upon Manatee County, it should nevertheless place Manatee County on notice that the Authority could seek recovery of damages and costs resulting from any stay pending the appeal. In support of its argument, the Authority cites City of St. Petersburg v. Wall, 475 So. 2d 662 (Fla. 1985). We note that Wall involved the taking of property by a city in a condemnation proceeding. It did not involve those powers of local government

which directly relate to land use and planning. The power to engage in land use planning and the power to obtain property through condemnation are distinct. When a planning decision is found to be in error, we believe that the most appropriate remedy is avoidance of the decision. Under the law of condemnation, full compensation by the condemning authority for damages suffered is clearly the remedy contemplated by Florida law. We decline to provide the remedy afforded under condemnation law to the Authority in this instance.

12. Finally, the Authority has requested in the alternative that the Commission vacate the automatic stay mandated by Rule 9.310(b)(2). In deciding this question, we find that the standard for vacating a stay explicated in St. Lucie County v. North Palm Development Corporation, 444 So 2nd 1133 (Fla. 4th DCA 1984), is particularly instructive. In North Palm Development, developers applied to the local government for project approval of a residential and hotel development. The developers' site plan was not approved, and the developers instituted lawsuits seeking to declare portions of the local comprehensive plan unconstitutional and to obtain a finding of consistency with local site plan requirements. The trial court provided the relief sought by the developers and the local government appealed to the district court. The developers then sought to have the automatic stay vacated so that development could commence and, once again, was successful before the lower tribunal. The order of the trial court vacating the stay was then appealed by the local government to the district court.

The district court reversed the order of the trial court vacating the stay, saying that "the stay should be vacated only under the most compelling circumstances." Id. at 1135. The district court noted the potential for waste if the stay were vacated, stating "that the County could be severely damaged should the developers ultimately

lose this case after placing substantial improvements on the various properties and thereafter find it economically unfeasible or impossible to remove them, casting the burden for doing so upon the County." Id.


Under the rationale of North Palm Development, then, we are called upon to determine if compelling circumstances exist in this case to vacate the stay. We find that at this time they do not. While in supporting affidavits an officer of the Authority has opined that the "stay will likely extend the construction period beyond January 31, 1989, which is the end of the period that capitalized interest was allocated," there is no mention of a date by which the stay must be vacated in order to avoid extending construction beyond that date. Assuming that the Authority will suffer significant damage past that point in time and this fact amounts to a compelling circumstance, it remains to be demonstrated when the stay should be vacated to avoid that result.

13. Based on the foregoing, it is hereby ordered:

That portion of the Authority's motion which seeks to impose a bond requirement on Manatee County or condition the stay on possible payment of damages is denied. That portion of the motion which seeks to vacate the stay is denied without prejudice and may be renewed at some future date.

Any party to this order has the right to seek judicial review of the order pursuant to Rule 9.310(f), Florida Rules of Appellate Procedure.

DONE AND ENTERED this 8th of May, 1987, in Tallahassee, Florida.

  
\_\_\_\_\_  
GLENN W. ROBERTSON, Jr., Secretary *in*  
Florida Land and Water Adjudicatory  
Commission

cc: Members of the Commission  
Counsel of Record



Honorable Bill Gunter  
Treasurer  
The Capitol  
Tallahassee, Florida 32301

Honorable Doyle Conner  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Florida 32301

Honorable George Firestone  
Secretary of State  
The Capitol  
Tallahassee, Florida 32301

Honorable Betty Castor  
Commissioner of Education  
The Capitol  
Tallahassee, Florida 32301

Honorable Gerald Lewis  
Comptroller  
The Capitol  
Tallahassee, Florida 32301

Honorable Bob Butterworth  
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315 South Calhoun Street  
Suite 800  
Tallahassee, Florida 32301

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

RESOLUTION NO. 85-408

RE: DEVELOPMENT ORDER FOR THE  
SARASOTA-BRADENTON AIRPORT  
NEW TERMINAL COMPLEX  
DEVELOPMENT OF REGIONAL IMPACT

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida hereby makes the following findings of fact and conclusions of law:

1.1 On February 5, 1985 Allan K. Eckle, Authorized Agent for the Sarasota-Manatee Airport Authority, submitted to Sarasota County an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as Sarasota-Bradenton Airport New Terminal Complex.

1.2 The total Sarasota-Bradenton Airport area consists of approximately 1102 + acres in the City of Sarasota, Manatee County and Sarasota County, described in Exhibit "A" attached hereto and made a part hereof by reference.

1.3 Within the Sarasota-Bradenton Airport, the New Terminal Complex project consists of 170 acres, of which approximately 88.7 + acres are located in Sarasota County.

1.4 The New Terminal Complex within Sarasota County consists of a main lobby, ticketing area, baggage claim and Airsides "A" and "C". Additionally, Airport improvements within Sarasota County include new parking areas, an internal roadway system, and drainage detention/retention pond "B".

1.5 On May 2, 1985, the ADA for the Sarasota-Bradenton Airport New Terminal Complex was determined to be sufficient for review by the Southwest Florida Regional Planning Council (SWFRPC) pursuant to Section 380.06(10) (c), Florida Statutes (1985).

1.6 Pursuant to Sections 380.031 and 380.06, Florida Statutes, the Sarasota Board of County Commissioners, the Sarasota City Commission and the Manatee County Board of County Commissioners, as the local governments having jurisdiction, are authorized and required by law to consider the ADA for the Sarasota-Bradenton Airport New Terminal Complex DRI.

1.7 On July 24, 1985, the Sarasota County Planning Commission and the City of Sarasota Planning Commission, held a duly noticed joint public hearing on said ADA, which was continued by the Sarasota County Planning Commission to August 22, 1985.

1.8 On August 22, 1985 the Sarasota County Planning Commission recommended approval of the Sarasota-Bradenton Airport New Terminal Complex to the County Commission, subject to certain conditions.

1.9 On September 12, 1985, the Sarasota County Board of County Commissioners and the City of Sarasota Commissioners, held a duly noticed joint public hearing on said ADA, which was continued by the Sarasota County Commission to September 17, 1985.

1.10 Pursuant to Chapter 380.06 (11), Florida Statutes (1985), public notice of said hearing was duly published in the Sarasota Herald-Tribune on June 26, 1985, and was duly provided to the Florida Department of Community Affairs (DCA), the SWFRPC, and other persons designated by DCA rules.

1.11 The Sarasota County Commission considered the report and recommendation of the SWFRPC.

HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE NOV 12 1985

H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

*Vernice R. Dittler*  
DEPUTY CLERK

1.12 The proceedings herein relating to the Sarasota-Bradenton Airport New Terminal Complex ADA have been conducted in compliance with the provisions of Chapter 380, Florida Statutes, and all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes, have occurred.

1.13 The proposed development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area.

1.14 The proposed development, subject to the conditions imposed herein, is consistent with the Sarasota County Comprehensive Plan, and does not conflict with other local land development regulations.

1.15 The proposed development is consistent with the report and recommendations of the SWFRPC pursuant to Section 380.06 (12), Florida Statutes (1985).

SECTION 2. Incorporation of Application for Development Approval (ADA) and Associated Documents by Reference.

2.1 The following information, commitments, and impact mitigating provisions submitted by the Sarasota-Manatee Airport Authority, are hereby incorporated in this Development Order by reference:

- (i) Sarasota-Bradenton Airport New Terminal Complex Development of Regional Impact Application For Development Approval
- (ii) New Terminal Complex Sarasota-Bradenton Airport, Response to Sufficiency Review

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by sub-section 2.1, above, the following shall apply:

(a) The most recent response of Sarasota-Manatee Airport Authority in the above referenced documents shall control over any previous response wherever there is a conflict, otherwise the response shall be considered cumulative.

(b) Any information, commitments, or impact mitigating provisions in the above referenced documents inconsistent with the specific conditions set forth in this Resolution and the exhibits hereto, shall be deemed superceded and inapplicable.

SECTION 3. Approval of the Sarasota-Bradenton Airport New Terminal Complex Development of Regional Impact with Conditions.

3.1 The ADA for the Sarasota-Bradenton Airport New Terminal Complex DRI is hereby approved, subject to the conditions contained in Exhibit "B" which is attached hereto and incorporated herein by reference, and subject to the other provisions of this Development Order.

3.2 The Sarasota County Department of Planning is hereby designated as the local governmental department responsible for monitoring the development, enforcing and monitoring the terms of the Development Order, and for receiving the Annual Report required by Chapter 380, Florida, Statutes.

3.3 Any change proposed by the Sarasota-Manatee Airport Authority to the ADA which meets or exceeds any of the criteria of Section 380.06 (19), Florida Statutes (1985), as the same may be amended from time, to time shall constitute a substantial deviation and shall cause the development to be subject to further DRI review pursuant to the provisions of law.

3.4 Annual Report Requirements:

The Sarasota-Manatee Airport Authority shall submit an annual report pursuant to the requirements of Chapter 380.06 (18), Florida Statutes (1985), Chapter 9J-2.25 (7), Florida Administrative Code (F.A.C.) and procedures

STATE OF FLORIDA  
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HEREBY CERTIFY THAT THE FOREGOING IS A  
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SEAL THIS DATE NOV 19 1988  
H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
*Virginia R. Bartels*  
DEPUTY CLERK

established by the SWF, all as may be amended from time to time. This report shall be submitted on the anniversary of the effective date of the Development Order, for each following year, until and including such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The Sarasota-Manatee Airport Authority shall submit this annual report to the Sarasota County Planning Department, the Southwest Florida Regional Planning Council, the Florida Bureau of Land and Water Management, and all other agencies required by law on form BLWM-07-85, as the same may be amended from time to time. The annual report shall contain all information required by Rule 9J-2.25(7)(a) through (j), F.A.C., as the same may be amended from time to time.

Upon notification that the annual report is not received by SWFRPC or the Florida Bureau of Land and Water Management, or upon non-receipt of the annual report by Sarasota County, Sarasota County shall request in writing that the Sarasota-Manatee Airport Authority submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in Sarasota County temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are complied with.

### 3.5 Monitoring Report Requirements:

#### (a) Stormwater Maintenance

The Sarasota-Manatee Airport Authority shall submit stormwater maintenance reports to the Sarasota County Planning Department and to the Pollution Control Division of the Environmental Services Department. These reports shall be submitted annually on or before October 1, and shall reflect the inspection of underdrain systems and indicate the required maintenance.

#### (b) Transportation

The Sarasota-Manatee Airport Authority shall submit Transportation reports to the Sarasota County Planning Department and to the Engineering Division of the Sarasota County Transportation Department. These reports shall indicate when Level of Service "C" is exceeded on impacted roadways and/or intersections and shall provide up-dated information to more accurately forecast project buildout traffic and total traffic for determination of the Sarasota-Manatee Airport Authority's proportionate share of the total cost of required improvements. The transportation reports shall contain traffic counts taken at all ingress/egress points to the site, and, traffic counts and turning movement counts at the following intersections:

1. U.S. 41 at DeSoto Road
2. Old U.S. 301 at University Parkway at 59th Street
3. University Parkway at New U.S. 301
4. University Parkway at "Connector" Road
5. "Connector" Road at DeSoto Road
6. DeSoto Road at Old Bradenton Road

The first monitoring report shall be submitted at the time of the issuance of the first certificate of occupancy for Phase I of the Sarasota-Bradenton Airport New Terminal Complex project. Subsequent reports shall be submitted annually until buildout of the project.

3.6 Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this Development Order.

## SECTION 4. Enforcement

4.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by Sarasota County by action at law or equity, and, in the event Sarasota County prevails in such action at law or equity, it shall be entitled to all its costs, including reasonable attorneys' fees.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
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IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE NOV 12 1985  
H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
- OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
*Virginia R. Dantelo*  
DEPUTY CLERK

4.2 The obligations of this Development Order all run with the land. The Sarasota-Manatee Airport Authority is bound by the terms of this Development Order so long as it owns such property.

#### SECTION 5. Severability

If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part therein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included therein, unless to do so would frustrate the intent of this Development Order.

#### SECTION 6. Resolution as Development Order

6.1 This Resolution shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Sarasota-Bradenton Airport New Terminal Complex.

6.2 Notice of the adoption of this Development Order and a certified copy of this Development Order shall be recorded by the Sarasota-Manatee Airport Authority in accordance with Section 380.06 (15)(f)1, Florida Statutes 1985.

6.3 The Sarasota County Clerk shall certify the date upon which certified copies of this Development Order are deposited in the U.S. mail for the Department of Community Affairs, the Southwest Florida Regional Planning Council, and the Sarasota-Manatee Airport Authority.

#### SECTION 7. Effective Date

7.1 This Development Order shall take effect upon execution of the consent provided for in Section 9 of this Development Order and transmittal of the copies of said Development Order to the parties specified in Section 380.07 (2), Florida Statutes (1985).

7.2 Notwithstanding any provision to the contrary contained herein, in the event Sarasota-Manatee Airport Authority does not commence site development of some portion of the property located in Sarasota County within five years from the date hereof and does not complete the development within Sarasota County by the year 2003, this Development Order shall be deemed to be terminated and of no further force or effect.

#### SECTION 8. Relationship to Other Regulations

8.1 This Development Order shall not be construed as an agreement on the part of Sarasota County to exempt Sarasota-Manatee Airport Authority, its successors and assigns, from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted.

8.2 This DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless Sarasota County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Sarasota-Manatee Airport Authority, or that the change is clearly established by Sarasota County to be essential to the public health, safety, or welfare.

#### SECTION 9. Consent to Provisions of Development Order

The Sarasota-Manatee Airport Authority, by signing this document in the space hereinafter provided, signifies its approval and assent to the provisions of this Development Order. Such signature shall also constitute a certification by the Sarasota-Manatee Airport Authority that it has delivered to the SWFRPC and the Bureau of Land and Water Management a complete copy of all documents specified in Section 2.2.1 above.

STATE OF FLORIDA  
COUNTY OF SARASOTA )  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
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IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE NOV 12 1995  
H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: Virginia R. Buttle  
DEPUTY CLERK

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 15th day of October, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: James McElmurray  
Chairman

ATTEST:

R. H. HACKNEY, JR., Clerk of the  
Circuit Court and ex officio Clerk  
of the Board of County Commissioners  
of Sarasota County, Florida

By: Susan Kay Slidell  
Deputy Clerk

The Sarasota-Manatee Airport Authority, does hereby approve and assent to all the terms, conditions, and provisions of the above and foregoing Development Order and does acknowledge that the same are binding upon the Sarasota-Manatee Airport Authority, its successors and assigns.

SARASOTA-MANATEE AIRPORT AUTHORITY

Witnesses as to  
Sarasota-Manatee  
Airport Authority

By: Dan P. McClure  
As its Chairman

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 8th day of November, 1985, by Dan P. McClure of SARASOTA-MANATEE AIRPORT AUTHORITY, who acknowledged before me that he executed the same, as its authorized agent, for and in behalf of said corporation.

[Signature]  
Notary Public

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a complete and accurate certified copy of the foregoing Development Order was deposited in the U.S. Mail to the Florida Department of Community Affairs, Southwest Florida Regional Planning Council and Sarasota-Manatee Airport Authority this 12th day of November, 1985.

Virginia R. Bartels  
Deputy Clerk

STATE OF FLORIDA )  
COUNTY OF SARASOTA )  
HEREBY CERTIFY THAT THE FOREGOING IS A  
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SEAL THIS DATE NOV 12 1985  
R. H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
By: Virginia R. Bartels  
DEPUTY CLERK

## EXHIBIT "A"

LEGAL DESCRIPTION FOR  
SARASOTA - BRADENTON AIRPORT,  
DEVELOPMENT OF REGIONAL IMPACT

That part of Sections 25, 26, 35, Township 35 South, Range 17 East, lying East of U.S. Highway 41; Section 36, Township 35 South, Range 17 East; Section 31, Township 35 South, Range 18 East, Manatee County, Florida; Section 1, Township 36 South, Range 17 East; Section 6, Township 36 South, Range 18 East lying North of DeSoto Road and East of U.S. Highway 41; Sarasota County, Florida.

Lying within the following described boundaries to wit:

## PARCEL "A"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run N 88°48'04" West, 50.00 feet to the Westerly right-of-way line of U.S. Highway 301 for a Point of Beginning of Parcel "A", thence run S 00°12'26" West along said Westerly right-of-way of U.S. Highway 301 a distance of 2,640.53 feet to a point; thence run S 00°26'26" West along said right-of-way 1,498.27 feet to a point; thence on a curve to the left having a start tangent bearing of S 00°23'02" West, a radius of 1,196.00 feet, an arc length of 1,874.70 feet and an end tangent bearing of S 89°25'33" East; thence run S 89°25'33" East 145.14 feet to the Westerly right-of-way of Seaboard Coastline Railroad; thence run S 00°13'22" West along said railroad right-of-way 2,542.22 feet to the North right-of-way of DeSoto Road; thence run N 89°16'34" West along said road right-of-way 2,706.57 feet to a point; thence run N 00°43'35" West along said road right-of-way 10.13 feet to a point; thence run N 89°16'25" West along said road right-of-way 1,842.00 feet to a point of intersection with the easterly right-of-way of U.S. Highway 41; thence run N 14°54'52" West along said U.S. Highway 41 right-of-way 2,469.57 feet to a point; thence on a curve to the left, having a start tangent bearing of N 17°15'11" West, a radius of 5,789.58 feet, an arc length of 563.74 feet and an end tangent bearing of N 22°49'55" West; thence run S 89°31'49" East 116.99 feet to a point; thence run N 00°17'11" East 463.78 feet to a point; thence run N 26°39'12" West 364.19 feet to a point; thence run S 89°24'01" East 45.00 feet to a point; thence run N 26°39'12" West 245.01 feet to a point; thence run N 89°24'10" West 384.01 feet to a point on the Westerly right-of-way of U.S. Highway 41; thence run N 26°39'12" West along said highway right-of-way 1,181.90 feet to a point; thence on a curve to the right having a start tangent of N 35°13'42" West, a radius of 1,849.86 feet, an arc length of 276.85 feet and an end tangent bearing of N 26°39'12" West; thence run S 89°22'01" East 580.67 feet to a point; thence run N 00°16'00" East 524.88 feet to a point, thence run S 89°59'50" West 200.00 feet to a point; thence run N 00°16'00" East 183.00 feet to a point; thence run S 89°59'50" West 150.00 feet to a point; thence run N 00°16'00" East 263.00 feet to a point; thence run S 89°59'50" West 225.00 feet; thence run N 00°16'00" East 218.00 feet to a point; thence run S 89°59'50" West 150.00 feet to a point; thence run N 00°16'00" East 228.00 feet to a point; thence run S 89°59'50" West 220.00 feet to a point; thence run N 31°34'58" West 430.20 feet to a point; thence run S 89°59'50" West 2.92 feet to a point; thence run N 00°16'00" East 80.00 feet to a point; thence run S 89°59'50" West 193.34 feet to a point on the East right-of-way line of U.S. Highway 41; thence run N 31°34'58" West 1,009.32 feet along said highway right-of-way to a point;

STATE OF FLORIDA )

COUNTY OF SARASOTA )

HEREBY CERTIFY THAT THE FOREGOING IS A

TRUE AND CORRECT COPY OF THE ORIGINAL FILES

OF THIS OFFICE, WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE NOV 12 1985

A -1-

H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT

- OFFICIO CLERK TO THE BOARD OF COUNTY

COMMISSIONERS, SARASOTA COUNTY, FLORIDA

*Virginia R. Bartolo*  
DEPUTY CLERK

R85-408

thence on curve to the right, having a start tangent bearing of 47°58'41" West, a radius of 894.93 feet an arc length of 79.37 feet and an end tangent bearing N 42°53'48" West; thence run N 27°29'13" West 557.25 feet to a point; thence on a curve to the left having a start tangent bearing of N 24°33'09" East; a radius of 1,032.17 feet, an arc length of 90.77 feet, and an end tangent bearing of N 19°30'50" East; thence run S 89°45'06" East 181.00 feet to a point; thence run N 00°16'21" East 675.97 feet to a point; thence run S 89°57'09" East 1,354.07 feet to a point; thence run S 00°19'21" West 658.49 feet to a point; thence run S 89°02'59" East 8.84 feet to a point; thence run S 26°08'20" East 151.02 feet to a point; thence run S 45°52'28" East 769.53 feet to a point on the North boundary of Section 36, Township 35 South, Range 17 East; thence run S 88°49'04" East along said Section line 4,670.19 feet to the Point of Beginning.

Containing 948.02 acres, more or less.

#### PARCEL "B"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89°47'34" East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00°12'26" West along said highway right-of-way 229.35 feet to the Point of Beginning from said Point of Beginning run S 89°54'34" East 850.00 feet to a point; thence run S 00°12'26" West 1,089.45 feet to a point; thence run N 89°53'01" West 850.00 feet to a point on the Easterly right-of-way line of U.S. 301; thence run N 00°12'26" East along said right-of-way 1,089.07 feet to the Point of Beginning.

Containing 21.26 acres, more or less.

#### PARCEL "C"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89°47'34" East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00°12'26" West 2,640.08 feet along said right-of-way to a point; thence run S 00°26'26" West along said right-of-way 652.90 feet to the Point of Beginning of Parcel "C"; thence run S 89°30'34" East 1,255.60 feet to a point on the Westerly right-of-way of the Seaboard Coastline Railroad; thence run S 00°13'22" West along said railroad right-of-way 663.72 feet to a point; thence run S 89°21'20" East along said right-of-way 25.00 feet to a point; thence run S 00°13'22" West 1,275.75 feet along said right-of-way to a point on the Northeasterly right-of-way of U.S. Highway 301; thence run N 89°25'33" West along said highway right-of-way 194.53 feet to a point; thence on a curve to the right having a start tangent bearing of N 89°25'33" West, a radius of 1,096.00 feet, an arc length of 1,717.97 feet, and an end tangent bearing of N 00°23'02" East; thence run N 00°26'26" East along said highway right-of-way 845.27 feet to the Point of Beginning.

Containing 50.88 acres, more or less.

#### PARCEL "D"

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 39°25'33" East along the North boundary of said Section 6; 1,363.17 feet to the centerline of the Seaboard Coastline

STATE OF FLORIDA )

COUNTY OF SARASOTA )

I HEREBY CERTIFY THAT THE FOREGOING IS A

TRUE AND CORRECT COPY OF THE ORIGINAL FILES

IN THIS OFFICE, WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE NOV 12 1985

I, H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT

EX-OFFICIO CLERK TO THE BOARD OF COUNTY

COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY: *Virginia R. Butts*  
DEPUTY CLERK



Railroad; thence run S 00°13'22" West along said centerline 350.01 feet to a point; thence run S 89°25'33" East 75.00 feet to the East right-of-way line of said railroad for a Point of Beginning; from said Point of Beginning run S 89°25'33" East 1,400.00 feet to a point; thence run S 00°34'27" West 200.00 feet to a point; thence run S 89°25'33" East 600.00 feet to a point; thence run S 00°34'27" West, 500.00 feet to a point; thence run S 51°01'08" West 693.71 feet to a point; thence run S 73°17'58" West 258.58 feet to a point; thence run S 20°57'33" West 599.72 feet to a point; thence run S 44°58'15" West 369.15 feet to a point; thence run S 89°16'34" East 409.86 feet to a point; thence run S 00°43'26" West 250.01 feet to a point on the North right-of-way line of DeSoto Road; thence run N 89°16'34" West 1,171.53 feet to the easterly right-of-way line of the Seaboard Coastline Railroad; thence run N 00°13'22" East along said railroad right-of-way 1,276.21 feet to a point; thence run S 80°43'36" East along said right-of-way 25.00 feet to a point; thence run N 00°13'22" East along said right-of-way 966.20 feet to the Point of Beginning.

Containing 73.75 acres, more or less.

#### PARCEL 108

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89°25'33" East 1,438.52 feet to a point; thence run S 00°34'27" West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89°25'33" East along said highway right-of-way 2,001.80 feet to a point; thence run S 00°34'27" West 433.68 feet to the Point of Beginning; thence run S 89°48'25" East 103.97 feet to a point; thence run S 00°34'27" West 66.92 feet to a point; thence run N 89°25'33" West 97.98 feet to a point; thence run N 00°34'27" East 66.27 feet to a point; thence run N 89°49'33" West 5.99 feet to the Point of Beginning.

Containing 6,524.87 square feet, more or less.

#### PARCEL 109

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89°25'33" East 1,438.52 feet to a point; thence run S 00°34'27" West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89°25'33" East along said highway right-of-way 2,566.84 feet to a point; thence run S 00°34'27" West 500.00 feet to a point; thence run N 89°25'33" West 264.96 feet to the Point of Beginning; thence run N 89°25'33" West 144.00 feet to a point; thence run N 00°34'27" East 67.90 feet to a point; thence run S 89°49'33" East 144.00 feet to a point; thence run S 00°34'27" West 68.91 feet to the Point of Beginning.

Containing 9,850.53 square feet, more or less.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE NOV 12 1985  
R. H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: Virginia R. Bartels  
DEPUTY CLERK

EXHIBIT "B"

CONDITIONS OF APPROVAL FOR THE  
SARASOTA - BRADENTON AIRPORT  
NEW TERMINAL COMPLEX  
DEVELOPMENT OF REGIONAL IMPACT

A. GENERAL

1. The Sarasota-Bradenton Airport New Terminal Complex shall be developed in substantial accordance with all commitments and impact-mitigating actions provided by the Sarasota-Manatee Airport Authority within the ADA and supplementary documents that are not in conflict with specific conditions for project approval.
2. The Sarasota-Manatee Airport Authority shall comply with all applicable Sarasota County ordinances, concerning those portions of the Sarasota-Bradenton Airport lying within Sarasota County, including but not limited to, the Sarasota County Land Development Regulations and the Sarasota County Building Code. All conditions contained herein apply only to areas in which Sarasota County has jurisdiction.
3. If conditions contained herein, or other Sarasota County regulations, conflict with those of another governmental authority having jurisdiction, the more stringent regulations shall prevail.
4. The Sarasota-Manatee Airport Authority shall submit concurrently to the Sarasota County Planning Department copies of all documents associated with the construction of the terminal expansion projects filed with any County Department or other governmental agency (e.g., site and development plans, construction plans, etc.)
5. "Best Management Practices", when not otherwise defined herein, shall be deemed to constitute those professionally accepted methods recognized as being most effective in controlling the impacts referenced in a condition for approval.

B. Water Quality & Drainage

1. The Drainage Plan for the New Terminal Complex shall comply with storm-water management criteria specified in the Sarasota County Land Development Regulations, Drainage Plan Element of Apoxsee, and Chapters 17-25 and 17-3, Florida Administrative Code (F.A.C.).
2. The use of "Best Management Practices" shall be incorporated into design, construction activities and maintenance of the overall surface water management system.
3. At the time of submission of Site and Development Plans, methods of conveying runoff from development areas (e.g., terminal building, parking areas) to the retention/detention ponds shall be identified. Grass swales shall be incorporated into the stormwater drainage design. Where piping is necessary for conveyance of runoff to detention/retention areas, open bottom box culverts and perforated pipes shall be used, as determined appropriate by Sarasota County Pollution Control Division of the Environmental Services Department and the Engineering Division of the Transportation Department.
4. Drainage plans shall be submitted for Site and Development Plan approvals, and shall incorporate provisions for water quality treatment. An underdrain system shall be included in Lake "A" to filter runoff from the first one inch of rainfall that discharges into Lakes "A", "B" and "C" (as required by the DER in Chapter 17-25 Florida Administrative Code). As an alternative, additional detention basins with filtration shall be designed only for the purpose of treating runoff from the first one inch of rainfall from the impervious surfaces within the project boundaries, as per Chapter 17-25 F.A.C. and Land Development Regulations.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
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CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
*Virginia R. Burtis*  
DEPUTY CLERK

5. Those lakes in Sarasota County designed to receive stormwater discharges shall be designed to create littoral and fluctuation zones equal to 30% of the surface area of the lake. These zones shall be vegetated with native aquatic species except cattails and primrose willows which are potential mosquito habitat.
6. During construction, appropriate measures shall be taken to prevent erosion, turbidity, oils and lubricants from impacting surface waters. The use of sediment basins in conjunction with absorbent filter pads to aid in the removal of oils and grease plus other appropriate controls shall be provided by the Sarasota-Manatee Airport Authority.
7. If dewatering and impounding during construction activities results in a body of transitory water standing more than 72 hours, the Sarasota-Manatee Airport Authority shall notify the Mosquito Control Division of the Environmental Services Department in order that appropriate control measures may be undertaken.
8. The Sarasota-Manatee Airport Authority shall routinely maintain and monitor all stormwater retention/detention systems and the perimeter drainage ditch, and, if necessary, provide restoration measures for same to ensure their continuing function as designed. Stormwater maintenance plans shall be submitted for review to the Pollution and Mosquito Control Divisions of the Environmental Services Department for Site and Development Plan approvals.
9. The Sarasota-Manatee Airport Authority shall provide stocking of mosquito fish (i.e. Gambusia) in retention/detention ponds or other permanent water holding areas within Sarasota County, in consultation with the Mosquito Control Division of the Environmental Services Department.

#### C. Transportation

1. At the time that the Engineering Division of the Sarasota County Transportation Department determines that intersection improvements are required at the main airport access road and DeSoto Road, the Sarasota-Manatee Airport Authority shall be required to pay the cost of signalization, turn lanes and other improvements deemed necessary.
2. At the time that the Sarasota or Manatee County Transportation Engineering Departments determine that any portion of the following road segments is found to exceed Level of Service "C", the Sarasota-Manatee Airport Authority shall be required to pay a proportionate share of the cost of the total improvements necessary in order to maintain Level of Service "C":
  1. University Parkway  
"Connector" Road to New U.S. 301  
New U.S. 301 to Tuttle Avenue  
Tuttle Avenue to Lockwood Ridge Road  
Lockwood Ridge Road to I-75
  2. DeSoto Road  
U.S. 41 to U.S. 301
3. At the time that the Sarasota County, Manatee County, or City of Sarasota Transportation Engineering Departments or Florida Department of Transportation (FDOT) determines that intersection improvements are required at any of the following intersections, the Sarasota-Manatee Airport Authority shall be required to pay a proportionate share of the cost of signalization, turn lanes, and other improvements deemed necessary:
  1. U.S. 41 at DeSoto Road
  2. University Parkway at "Connector" Road
  3. University Parkway at New U.S. 301
  4. "Connector" Road at DeSoto Road
  5. DeSoto Road at Old Bradenton Road
  6. Old U.S. 301/University Parkway at Old Bradenton Road

STATE OF FLORIDA )  
 COUNTY OF SARASOTA )  
 I HEREBY CERTIFY THAT THE FOREGOING IS A  
 TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
 IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
 SEAL THIS DATE NOV 12 1985  
 H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
 - OFFICIO CLERK TO THE BOARD OF COUNTY  
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
*Virginia R. Bartels*  
 DEPUTY CLERK

4. The Sarasota-Manatee Airport Authority's "proportionate share" shall be determined by the proportion of the project's forecasted total buildout traffic to the total forecasted traffic utilizing the roadway segment/intersection, where such forecasts for the project exceed 5 percent of the total traffic utilizing that segment/intersection. Present estimates of project and total traffic through buildout (as provided in the DRI-ADA and summarized in the SWFRPC Transportation Assessment) shall be used until updated by the monitoring reports required under Annual Report Requirements, specified herein, or by the submission of a revised transportation analysis.
5. The Sarasota-Manatee Airport Authority may receive credit toward their Municipal Service Taxing Units (MSTU) fee to the extent authorized by applicable law and ordinances for any contributions made for road/intersection improvements outlined in these recommendations which may be included as an MSTU funded project. MSTU funded projects for which the Sarasota-Manatee Airport Authority may receive credit include: the widening of University Parkway and DeSoto Road, and the construction of the airport "connector" road.
6. If the proposed "connector" road from University Parkway to DeSoto Road west of U.S. 301 is not constructed by 1991 (currently programmed for 1988), the project shall undergo a determination as to whether a substantial deviation has occurred. An amended Development Order shall be rendered after any substantial deviation determination, whether found to be a substantial deviation or not.
7. The proposed "connector" road from University Parkway to DeSoto Road west of U.S. 301 shall be constructed to provide the necessary access. If the "connector" road is deleted from the Sarasota County Capital Improvements Program (CIP) by Sarasota County Commission (precluding its construction), the Sarasota-Manatee Airport Authority shall be required to submit a revised transportation impact analysis to the Sarasota County Planning Department. The revised analysis shall further identify needed roadway and intersection improvements, and further determine Sarasota-Manatee Airport Authority commitments.
8. The Sarasota-Manatee Airport Authority shall confine access/egress to non-aviation commercial and automobile lease plots to the internal circulation roadway network in order to ensure that the capacity of DeSoto Road is conserved.
9. If any regional roadway segment or intersection is found to be operating at level of service "D" or worse for average daily traffic, and construction of the necessary roadway improvement(s) has not begun, the project shall undergo a determination as to whether a substantial deviation has occurred. An amended Development Order shall be rendered after any substantial deviation determination, whether found to be a substantial deviation or not.
10. The Sarasota-Manatee Airport Authority shall work with the Engineering Division of the Sarasota County Transportation Department and the Sarasota County Planning Department to investigate alternatives to the proposed five-cornered intersection at Old Bradenton Road, DeSoto Road and the "Connector" road.
11. The Sarasota-Manatee Airport Authority shall construct and maintain the terminal area circulation and secondary local roadway network internal to the proposed project area.
12. The Sarasota-Manatee Airport Authority shall incorporate roadway modifications (e.g., bus turnouts) within the terminal area circulation and secondary local roadway network favorable to mass transit usage.

STATE OF FLORIDA Airports - Noise

COUNTY OF SARASOTA )

HEREBY CERTIFY THAT THE SARA-SOTA-Manatee Airport Authority shall continue to propose to  
TRUE AND CORRECT COPY of the original that deep night operations (12:01 A.M. - 7:00 A.M.,  
IN THIS OFFICE. WITNESS MY HAND AND SEAL OF OFFICE  
NOV 12 1985

CALL THIS DATE  
H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

DEPUTY CLERK  
*Virginia R. Bartels*

## RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE SARASOTA-BRADENTON NEW TERMINAL COMPLEX DEVELOPMENT OF REGIONAL IMPACT; MAKING FINDINGS; SETTING FORTH CONCLUSIONS; STATING CONDITIONS OF APPROVAL; REQUIRING REPORTING, MONITORING OF DEVELOPMENT AND ENFORCEMENT; IDENTIFYING RELATIONSHIP TO OTHER REGULATIONS; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

REC'D  
CITY ATTORNEY

NOV 14 1985

WHEREAS, the Sarasota-Manatee Airport Authority has proposed to undertake a Development of Regional Impact (DRI), as defined by Chapter 380, Florida Statutes; and,

WHEREAS, the proposed development pertains to a Sarasota-Bradenton new airport terminal complex as specifically described and set forth in an Application for Development Approval (ADA), filed with the City of Sarasota; and,

WHEREAS, the City of Sarasota is a local government within the meaning of Chapter 380, Part I, Florida Statutes; and,

WHEREAS, Chapter 380 requires that appropriate local governments render a decision on an application for development approval in accordance with the requirements of said Chapter; and,

WHEREAS, the Tampa Bay Regional Planning Council and the Southwest Florida Regional Planning Council have made recommendations as to considerations, terms and conditions for approval of the project as presented in the ADA; and,

WHEREAS, the City of Sarasota Planning Board and the Planning Board for Sarasota County did hold a duly noticed joint public hearing on the ADA, said public hearing having been held on July 24, 1985; and,

WHEREAS, the City of Sarasota Planning Board continued its consideration of the ADA until August 27, 1985; and,

WHEREAS, the City of Sarasota Planning Board did hear further comment on the ADA, on behalf of the Sarasota-Manatee Airport Authority and other interested members of the public on August 27, 1985; and,

WHEREAS, the City of Sarasota Planning Board has made findings and recommendations to the City Commission, the same being set forth in a Resolution adopted August 27, 1985; and,

WHEREAS, the City Commission and the Board of County Commissioners, Sarasota County, Florida held a duly noticed joint public hearing on September 12, 1985, pertaining to the ADA; and,

WHEREAS, the City Commission did continue its public hearing until October 7, 1985; and,

WHEREAS, the City Commission obtained additional input on the ADA at its regular meeting of October 7, 1985; and,

WHEREAS, the City Commission did further deliberate on the ADA at a special meeting of October 14, 1985; and,

WHEREAS, the City Commission did consider, all of the record made before it and the Planning Board, the application for development approval, with supporting documentation submitted on

behalf of the Sarasota-Manatee Airport Authority, as well as presentations made by agents of the Sarasota-Manatee Airport Authority and concerned members of the public; and,

WHEREAS, the City Commission did consider all input from the public; and,

WHEREAS, at its special meeting of October 14, 1985 the City Commission did consider the report and recommendations of the Southwest Florida Regional Planning Council and the Tampa Bay Regional Planning Council; and,

WHEREAS, at its special meeting of October 14, 1985 the City Commission did approve the ADA, subject to conditions and the preparation of a Resolution for adoption as the Development Order of the City of Sarasota pertaining to the Sarasota-Bradenton Airport new terminal complex.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Findings: The matters set forth in the prefacing clauses of this Resolution are hereby adopted, by the City Commission, as findings of fact. Furthermore, the ADA, with all attached documents and documentation submitted, in support thereof, filed with the City of Sarasota by agents of the Sarasota-Manatee Airport Authority are deemed material facts in support of this Development Order.

Section 2. Conclusions: The City Commission, in consideration of the record made, has determined that:

- a) The proceedings relating to the ADA for the Sarasota-Bradenton Airport new terminal complex have been conducted in compliance with the provisions of Chapter 380, Florida Statutes, as amended, and all conditions precedent to granting this approval, pursuant to applicable law, have occurred.
- b) The proposed development is not in an area of critical state concern.
- c) The development will not unreasonably interfere with the achievement of the objectives of an adopted state land use development plan applicable to the area.
- d) The development, as approved with the conditions imposed by this Resolution, is consistent with the Comprehensive Plan of the City of Sarasota and is not in conflict with other local land development regulations.
- e) The development is consistent with the report and recommendations of the Southwest Florida Regional Planning Council and the Tampa Bay Regional Planning Council.

Section 3. Approval: The ADA for the Sarasota-Bradenton new terminal complex DRI pertains to development on real property described in Exhibit "A", attached hereto and made a part hereof

by reference. Said ADA is hereby approved, subject to the conditions which are set forth in Exhibit "B", entitled Conditions of Approval for the Sarasota-Bradenton Airport New Terminal Complex Development of Regional Impact, attached hereto and made a part hereof by reference.

Section 4. Reports, Monitoring of Development and Enforcement: The annual reports of the developer, required pursuant to Section 380.06(15), Florida Statutes (1983), as amended, shall be submitted in strict conformity with paragraph E, Annual Reporting Requirements, set forth in Exhibit "B". The Planning Department shall monitor the progress of the development for compliance with this Development Order. The City Manager shall assure compliance with this Development Order and in the event that the developer shall fail to act in substantial compliance with this Development Order, the City of Sarasota may enforce the terms hereof by any appropriate legal action, whether in law or in equity, or any other lawful means or procedures available. In the event that proceedings are commenced in a court of competent jurisdiction, the City of Sarasota, if it is the prevailing party, shall be entitled to receive all of its costs, including reasonable attorney's fees for its attorneys in said proceedings.

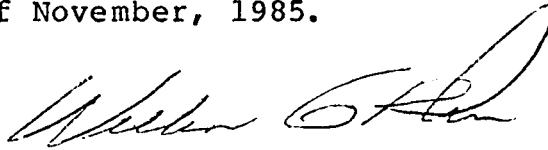
Section 5. Other Regulations: This Development Order shall not be construed as an agreement or decision on the part of the City of Sarasota that the Sarasota-Manatee Airport Authority, its successors or assigns, are in any manner exempted from the operation of any ordinance of the City of Sarasota or regulations of the City in effect as of the date of the adoption of this Resolution or hereafter adopted.

Section 6. Severability: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Resolution be severable and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of


the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 7. This Resolution shall take effect immediately upon adoption.

ADOPTED by the City Commission of the City of Sarasota, after reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to adoption, as authorized by Article IV, Section 2, Charter of the City of Sarasota, this 4th day of November, 1985.

  
MAYOR

ATTEST:

  
CITY AUDITOR AND CLERK



SARASOTA - BRADENTON AIRPORT ORI

That part of Sections 25, 26, 35, Township 35 South, Range 17 East, lying East of U.S. Highway 41; Section 36, Township 35 South, Range 17 East; Section 31, Township 35 South, Range 18 East, Manatee County, Florida; Section 1, Township 36 South, Range 17 East; Section 6, Township 36 South, Range 18 East lying North of DeSoto Road and East of U.S. Highway 41; Sarasota County, Florida.

Lying within the following described boundaries to wit:

PARCEL "A"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run N 88°48'04" West, 50.00 feet to the Westerly right-of-way line of U.S. Highway 301 for a Point of Beginning of Parcel "A", thence run S 00°12'26" West along said Westerly right-of-way of U.S. Highway 301 a distance of 2,640.53 feet to a point; thence run S 00°26'26" West along said right-of-way 1,498.27 feet to a point; thence on a curve to the left having a start tangent bearing of S 00°23'02" West, a radius of 1,196.00 feet, an arc length of 1,874.70 feet and an end tangent bearing of S 89°25'33" East; thence run S 89°25'33" East 145.14 feet to the Westerly right-of-way of Seaboard Coastline Railroad; thence run S 00°13'22" West along said railroad right-of-way 2,542.22 feet to the North right-of-way of DeSoto Road; thence run N 89°16'34" West along said road right-of-way 2,706.57 feet to a point; thence run N 00°43'35" West along said road right-of-way 10.13 feet to a point; thence run N 89°16'25" West along said road right-of-way 1,842.00 feet to a point of intersection with the easterly right-of-way of U.S. Highway 41; thence run N 14°54'52" West along said U.S. Highway 41 right-of-way 2,469.57 feet to a point; thence on a curve to the left, having a start tangent bearing of N 17°15'11" West, a radius of 5,789.58 feet, an arc length of 563.74 feet and an end tangent bearing of N 22°49'55" West; thence run S 89°31'49" East 116.99 feet to a point; thence run N 00°17'11" East 463.78 feet to a point; thence run N 26°39'12" West 364.19 feet to a point; thence run S 89°24'01" East 45.00 feet to a point; thence run N 26°39'12" West 245.01 feet to a point; thence run N 89°24'10" West 384.01 feet to a point on the Westerly right-of-way of U.S. Highway 41; thence run N 26°39'12" West along said highway right-of-way 1,181.90 feet to a point; thence on a curve to the right having a start tangent of N 35°13'42" West, a radius of 1,849.86 feet, an arc length of 276.85 feet and an end tangent bearing of N 26°39'12" West; thence run S 89°22'01" East 580.67 feet to a point; thence run N 00°16'00" East 524.88 feet to a point; thence run S 89°59'50" West 200.00 feet to a point; thence run N 00°16'00" East 183.00 feet to a point; thence run S 89°59'50" West 150.00 feet to a point; thence run N 00°16'00" East 263.00 feet to a point; thence run S 89°59'50" West 225.00 feet; thence run N 00°16'00" East 218.00 feet to a point; thence run S 89°59'50" West 150.00 feet to a point; thence run N 00°16'00" East 228.00 feet to a point; thence run S 89°59'50" West 220.00 feet to a point; thence run N 31°34'58" West 430.20 feet to a point; thence run S 89°59'50" West 2.92 feet to a point; thence run N 00°16'00" East 80.00 feet to a point; thence run S 89°59'50" West 193.34 feet to a point on the East right-of-way line of U.S. Highway 41; thence run N 31°34'58" West 1,009.32 feet along said highway right-of-way to a point;

**EXHIBIT A**

thence on a curve to the right, having a start tangent bearing of N 47°58'41" West, a radius of 894.93 feet an arc length of 79.37 feet and an end tangent bearing N 42°53'48" West; thence run N 27°29'13" West 557.25 feet to a point; thence on a curve to the left having a start tangent bearing of N 24°33'09" East, a radius of 1,032.17 feet, an arc length of 90.77 feet, and an end tangent bearing of N 19°30'50" East; thence run S 89°45'06" East 181.00 feet to a point; thence run N 00°16'21" East 675.97 feet to a point; thence run S 89°57'09" East 1,354.07 feet to a point; thence run S 00°19'21" West 658.49 feet to a point; thence run S 89°02'59" East 8.84 feet to a point; thence run S 26°08'20" East 151.02 feet to a point; thence run S 45°52'28" East 769.53 feet to a point on the North boundary of Section 36, Township 35 South, Range 17 East; thence run S 88°49'04" East along said Section line 4,670.19 feet to the Point of Beginning.

Containing 948.02 acres, more or less.

#### PARCEL "B"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89°47'34" East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00°12'26" West along said highway right-of-way 229.35 feet to the Point of Beginning from said Point of Beginning run S 89°54'34" East 850.00 feet to a point; thence run S 00°12'26" West 1,089.45 feet to a point; thence run N 89°53'01" West 850.00 feet to a point on the Easterly right-of-way line of U.S. 301; thence run N 00°12'26" East along said right-of-way 1,089.07 feet to the Point of Beginning.

Containing 21.26 acres, more or less.

#### PARCEL "C"

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run S 89°47'34" East 50.00 feet to a point on the Easterly right-of-way of U.S. Highway 301; thence run S 00°12'26" West 2,640.08 feet along said right-of-way to a point; thence run S 00°26'26" West along said right-of-way 652.90 feet to the Point of Beginning of Parcel "C"; thence run S 89°30'34" East 1,255.60 feet to a point on the Westerly right-of-way of the Seaboard Coastline Railroad; thence run S 00°13'22" West along said railroad right-of-way 663.72 feet to a point; thence run S 89°21'20" East along said right-of-way 25.00 feet to a point; thence run S 00°13'22" West 1,275.75 feet along said right-of-way to a point on the Northeasterly right-of-way of U.S. Highway 301; thence run N 89°25'33" West along said highway right-of-way 194.53 feet to a point; thence on a curve to the right having a start tangent bearing of N 89°25'33" West, a radius of 1,096.00 feet, an arc length of 1,717.97 feet, and an end tangent bearing of N 00°23'02" East; thence run N 00°26'26" East along said highway right-of-way 845.27 feet to the Point of Beginning.

Containing 50.88 acres, more or less.

#### PARCEL "D"

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89°25'33" East along the North boundary of said Section 6; 1,363.17 feet to the centerline of the Seaboard Coastline

Railroad; thence run S 00°13'22" West along said centerline 350.01 feet to a point; thence run S 89°25'33" East 75.00 feet to the East right-of-way line of said railroad for a Point of Beginning; from said Point of Beginning run S 89°25'33" East 1,400.00 feet to a point; thence run S 00°34'27" West 200.00 feet to a point; thence run S 89°25'33" East 600.00 feet to a point; thence run S 00°34'27" West, 500.00 feet to a point; thence run S 51°01'08" West 693.71 feet to a point; thence run S 73°17'58" West 258.58 feet to a point; thence run S 20°57'33" West 599.72 feet to a point; thence run S 44°58'15" West 369.15 feet to a point; thence run S 89°16'34" East 409.86 feet to a point; thence run S 00°43'26" West 250.01 feet to a point on the North right-of-way line of DeSoto Road; thence run N 89°16'34" West 1,171.53 feet to the easterly right-of-way line of the Seaboard Coastline Railroad; thence run N 00°13'22" East along said railroad right-of-way 1,276.21 feet to a point; thence run S 80°43'36" East along said right-of-way 25.00 feet to a point; thence run N 00°13'22" East along said right-of-way 966.20 feet to the Point of Beginning.

Containing 73.75 acres, more or less.

#### PARCEL 108

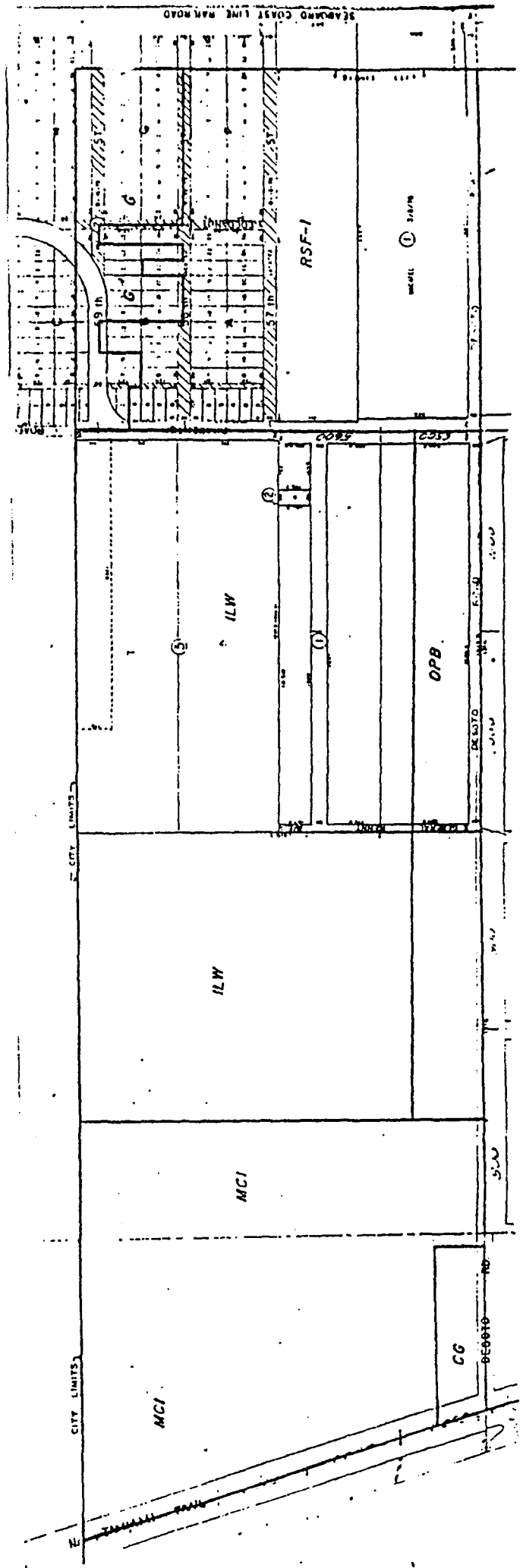
Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89°25'33" East 1,438.52 feet to a point; thence run S 00°34'27" West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89°25'33" East along said highway right-of-way 2,001.80 feet to a point; thence run S 00°34'27" West 433.68 feet to the Point of Beginning; thence run S 89°48'25" East 103.97 feet to a point; thence run S 00°34'27" West 66.92 feet to a point; thence run N 89°25'33" West 97.98 feet to a point; thence run N 00°34'27" East 66.27 feet to a point; thence run N 89°49'33" West 5.99 feet to the Point of Beginning.

Containing 6,524.87 square feet, more or less.

#### PARCEL 109

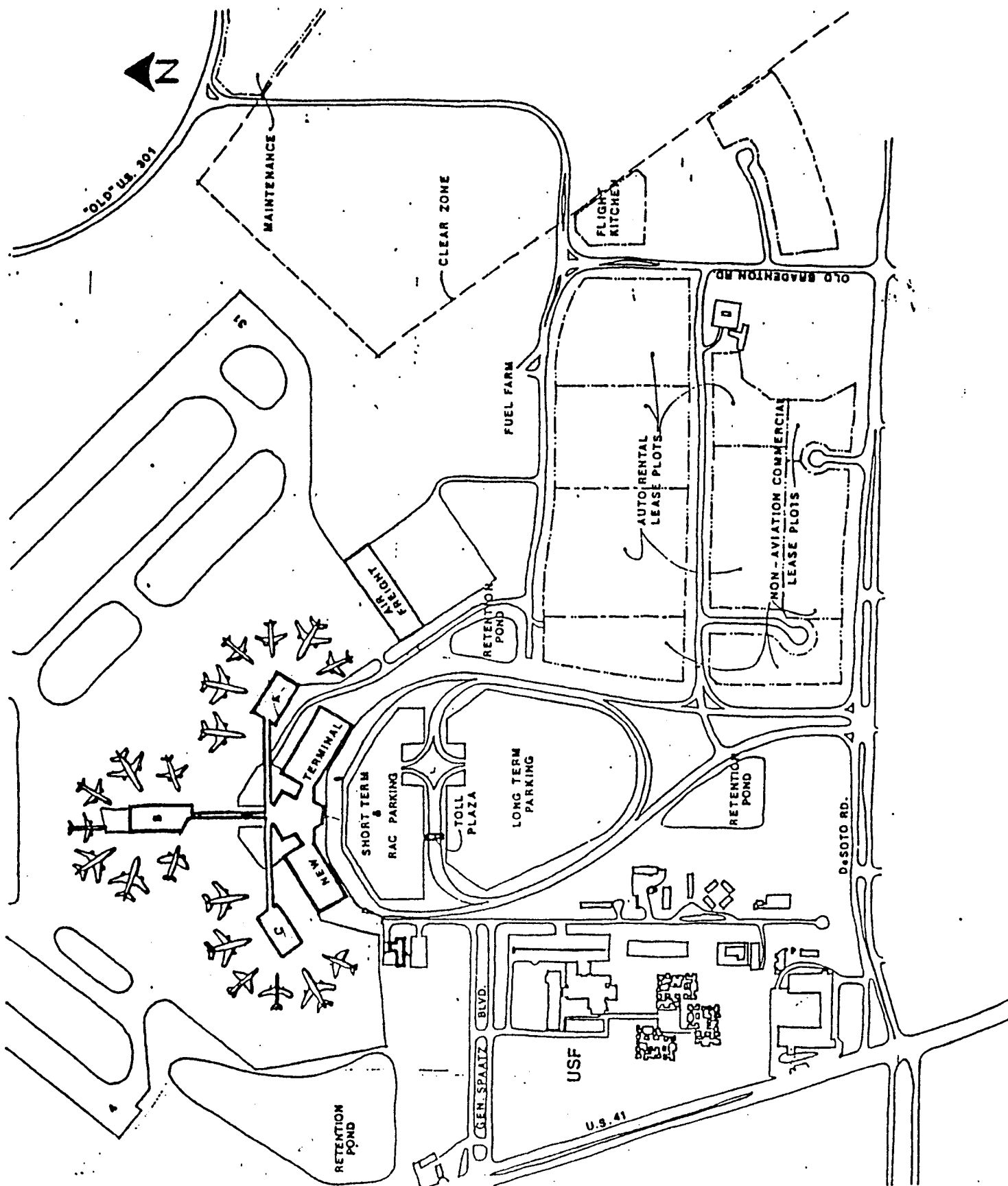
Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89°25'33" East 1,438.52 feet to a point; thence run S 00°34'27" West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89°25'33" East along said highway right-of-way 2,566.84 feet to a point; thence run S 00°34'27" West 500.00 feet to a point; thence run N 89°25'33" West 264.96 feet to the Point of Beginning; thence run N 89°25'33" West 144.00 feet to a point; thence run N 00°34'27" East 67.90 feet to a point; thence run S 89°49'33" East 144.00 feet to a point; thence run S 00°34'27" West 68.91 feet to the Point of Beginning.

Containing 9,850.53 square feet, more or less.



# ATTACHMENT C

DRI #124 Sarasota/Bradenton Airport  
Expansion Site Plan  
Proposed Facilities



CONDITIONS OF APPROVAL FOR THE  
SARASOTA-BRADENTON AIRPORT  
NEW TERMINAL COMPLEX  
DEVELOPMENT OF REGIONAL IMPACT

A. General

1. The Sarasota-Bradenton Airport New Terminal Complex shall be developed in substantial accordance with all commitments and impact-mitigating actions provided by the applicant within the Application for Development Approval and supplementary documents that are not in conflict with specific conditions for project approval.
2. The Airport Authority shall comply with City of Sarasota Building and Zoning Codes and with all other applicable city ordinances in that portion of the Airport which lies within the City. However, this requirement shall not be construed to prohibit the Authority from seeking relief from City Code provisions for aviation related uses and structures, when the Authority can demonstrate that the public interest would be best served by the grant of such relief.
3. If conditions contained herein, or other City of Sarasota regulations conflict with those of another governmental authority having jurisdiction, the more stringent regulations shall prevail.
4. The Airport Authority shall submit concurrently to the City of Sarasota Planning Department copies of all documents associated with terminal expansion projects and filed with any City Department or other governmental agency (e.g., site and development plans, construction plans, noise monitoring reports, etc.)
5. "Best Management Practices", when not otherwise defined herein, shall be deemed to constitute those professionally accepted methods recognized as being most effective in controlling the impacts referenced in a condition for approval.
6. The master development plan submitted as part of the ADA shall be amended to comply with the conditions contained herein.

**EXHIBIT B**

B. Water Quality and Drainage

1. The Drainage Plan for the New Terminal Complex shall comply with stormwater management criteria specified by applicable Ordinances of the City of Sarasota, the Sanitary Sewer, Solid Waste, Drainage, and Potable Water Element of the Sarasota City Comprehensive Plan, and Chapters 17-25 and 17-3, Florida Administrative Code.
2. The use of Best Management Practices shall be incorporated into design, construction activities and maintenance of the overall surface water management system.
3. Elevations for all buildings and permanent equipment will be at or above the base flood elevation.
4. Measures shall be instituted to design, construct, and maintain those parts of the project to protect water quality in compliance with the Tampa Bay Regional Planning Council's Stormwater and Lake System Maintenance and Design Guidelines, (1978).
5. The entity(ies) responsible for maintenance and operation of any onsite wells shall be identified in the Development Order.
6. The entity(ies) responsible for maintenance of all open space areas (including retention/detention areas) within the project site shall be identified in the Development Order.
7. Drainage infrastructure improvements constructed before the Section 380.06, F.S. review is completed shall be at the developer's risk and shall not vest subsequent development rights.
8. Any approval of this development shall stipulate that the on-site flood control and drainage system be improved over existing conditions to provide appropriate stormwater detention and treatment. Specifically, conditions of approval related to drainage improvements include the following elements:
  - A. Detention/retention basins for drainage sub-areas of less than 100 acres shall provide capacity for the first half-inch of runoff, while detention/retention basins for drainage sub-areas greater than 100 acres shall provide capacity for the first one inch of rainfall within 72 hours of a 25-year, 25-hour design storm event (9.70 inches).

B. All water control structures shall be designed to release the detention storage within 72 hours. Additional retention volume shall be provided by a decrease of stored water caused only by percolation through soil, evaporation or evapo-transpiration.

C. Because the stormwater discharge facilities will receive stormwater from areas which are a potential source of oils and grease (jet fuel) contamination in concentrations exceeding applicable water quality standards, these facilities shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oils and greases from discharging to the waters of Sarasota Bay.

D. Swales shall be designed to percolate 80 percent of the runoff resulting from a three-year, one-hour design storm within 72 hours after a storm event, assuming average antecedent conditions.

E. Permanently wet retention and detention basins shall be constructed with side slopes that are no steeper than 4:1 (horiz.:vert.) out to a depth of two feet below the control elevation.

F. All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation in the basins. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediments on-site.

G. The filtration system in retention facility "D" shall be designed with a safety factor of at least two and shall incorporate an approved underdrain filter media suitable for long-term pollutant absorption.

H. The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick-up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.

9. The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.



C. Transportation

1. At the time that that the appropriate governmental agency (Sarasota County, Manatee County, or City of Sarasota Engineering Departments or FDOT) determines that intersection improvements are required at any of the following intersections, the Applicant shall be required to pay a proportionate share of the cost of signalization, turn lanes, and other improvements deemed necessary:

1. U.S. 41 at DeSoto Road
2. University Parkway at "Connector" Road
3. University Parkway at New U.S. 301
4. "Connector" Road at DeSoto Road
5. DeSoto Road at Bradenton Road
6. Old U.S. 301/University Parkway at Bradenton Road
7. General Spaatz (egress) at U.S. 41
8. General Spaatz (USF/New College access) at U.S. 41

2. The Applicant's "fair share" shall be determined by the proportion of the project's forecasted total buildout traffic to the total forecasted traffic utilizing the roadway segment/intersection, where such forecasts for the project exceed 5 percent of total traffic. Present estimates of project and total traffic through buildout (as provided in the DRI-ADA and summarized in the SWFRPC Transportaion Assessment) shall be used until updated by the monitoring reports required under Annual Report Requirements, as specified herein, or by the submission of a revised transportation analysis.

3. If the proposed "connector" road from University Parkway to DeSoto Road west of U.S. 301 is not constructed by 1991 (currently programmed for 1988), the project shall undergo a determination as to whether a substantial deviation has occurred. An amended development order shall be rendered after any substantial deviation determination, whether found to be a substantial deviation or not.

4. The proposed "connector" road from University Parkway to DeSoto Road west of U.S. 301 should be constructed. If it is deleted from the Sarasota County Capital Improvements Program by the Sarasota Board of County Commissioners (precluding its construction), the Applicant shall be required to submit a revised transportaion impact analysis to the City of Sarasota Planning Department. The revised analysis should further identify needed roadway and intersection improvements and determine Applicant commitments.

5. The Applicant shall confine access to the non-aviation commercial and automobile lease plots to the internal circulation roadway network in order to ensure that the capacity of DeSoto Road is maintained.
6. If any regional roadway segment or intersection is found to be operating at level of service "D" or worse for average daily traffic, and construction of the necessary roadway improvement(s) has not begun, the project shall undergo a determination as to whether a substantial deviation has occurred. An amended development order shall be rendered after any substantial deviation determination, whether found to be a substantial deviation or not.
7. In order to mitigate traffic impacts on a capacity deficient segment of U.S. 41 between General Spaatz Boulevard and DeSoto Road, the Applicant shall provide an additional egress point onto U.S. 41 for northbound traffic. A roadway connecting the proposed internal circulation network with the 6-lane portion of U.S. 41 shall be located north of the present alignment of General Spaatz Boulevard to provide for a continuous, northerly flow of traffic exiting the airport. A portion of the present alignment of General Spaatz Boulevard should be maintained as an ingress/egress point to serve only USF at Sarasota.
8. The Applicant shall construct the terminal area circulation and secondary local road network internal to the project area as a privately maintained road network.
9. The Applicant shall provide transit amenities as referenced in the ADA, at minimum transit considerations should include: Construction of bus turnouts, bus shelters, and wide curb lanes, and distribution of transit route information.
10. The Applicant shall contribute its fair share toward increasing the capacity of Bradenton Road from DeSoto Road to 47th Street by constructing one additional northbound and one additional southbound lane to create a four-lane section.
11. Improve the US 41/DeSoto Road intersection as follows: construct one additional northbound and one additional southbound through lane between DeSoto Road and General Spaatz Boulevard; construct one additional southbound-to-eastbound left turn lane for a total of two.

D. Airports - Noise

1. The Sarasota-Bradenton Airport Authority shall continue to propose to all air carriers that deep night operations, 12:01 a.m.-7:00 a.m., except for emergency purposes shall be strongly discouraged.

2. The Sarasota-Manatee Airport Authority shall implement all Short- and Long-Term Elements of the Noise Compatibility Program (NCP) once this plan has been approved by the Federal Aviation Administration (FAA), to include the following:

Short-Term Elements

A. Noise Abatement Turn, Runway 13 Takeoffs--immediate left turn to a heading of 050 degrees, if deemed appropriate to reduce noise after a test program is conducted on the Runway 31 takeoffs

B. Noise Abatement Turn, Runway 31 Takeoffs--immediate left turn to a heading of 270 degrees

C. Required Use of Ground Power Units, 10:00 p.m. - 7:00 a.m.

D. No use of External Public Address System, 10:00 p.m. - 7:00 a.m.

E. Prohibition of Non-emergency Maintenance Runups, 10:00 p.m. - 7:00 a.m.

F. Noise Abatement Advisory Committee

G. Noise Abatement Officer

H. Noise Monitoring

I. Noise Complaint Response

J. Plan Review and Evaluation

K. Public Information

Long-Term Elements

A. Continuation of all elements of the short-term program.

B. Purchase of avigation easements or fee simple interest in properties involved in the Joint Stipulation.

C. Purchase of avigation easements over residential properties in the Ldn (Level day-night) 75 contour, purchased by present owners prior to January 1, 1980.

D. Offer to purchase Fee-Simple Interest in residential properties in the Ldn 75 contour, purchased by present owners prior to January, 1980.

3. Through periodic reporting which shall commence no later than one year after FAA approval of the NCP, the applicant shall file a report with the FDOT, the Florida Department of Community Affairs, the City of Sarasota, Sarasota County, Manatee County, the Southwest Florida Regional Planning Council, and the Tampa Bay Regional Planning Council. At minimum the report shall include: Total number of commercial and general aviation operations; percent change of those operations; number of operations occurring between 10:00 p.m. and 7:00 a.m.; population estimate of persons residing within the 70-75 and 75+ Ldn contours; the success of avigation easement and/or fee simple purchase (as appropriate); the success in compliance with a noise exposure disclosure program for all real property located within the 70-75 and 75+ Ldn contours.

4. The San Authority, in the preparation of a noise control program, shall seek guidance and assistance from the adjacent local governments in matters relating to land use compatibility and development regulation.

5. Said Noise Compatibility Program, when approved and implemented, must substantially reduce the area within the 70-75 and 75+ Ldn contours.

6. The Sarasota-Manatee Airport Authority shall continue to review and comment upon rezonings, land use amendments, site plan amendments and other appropriate development activity which occurs within the impact area of the airport. The purpose of the review and comment is to assure consistency with the airport's NCP.

7. Subject to approval of the noise exposure map by the FAA, local governments shall insure that a noise exposure disclosure is attached to all real estate transactions, deeds, and covenants for property located within the 65-70, 70-75 and 75+ Ldn contours within their jurisdiction. This requirement should also include a mechanism to notice renters.

8. The applicant shall initiate an Ongoing Noise Monitoring Program. Within six months of the adoption of the Development Order, the applicant shall prepare an Ongoing Noise Monitoring Program. The contents of this program shall be reviewed and approved by the FDOT, FDCA, City of Sarasota, Manatee County, Sarasota County, SWFRPC, and TBRPC prior to the issuance of the Certificate of Occupancy for Phase I. At minimum the Ongoing Noise Monitoring Program shall include a program for periodic noise monitoring for Integrated Noise Model (INM) input verification, compliance with the FAA-approved NCP, type and location of complaints received, and activity of the Noise Abatement Advisory Committee. A report containing the above data as well as other information deemed appropriate by the reviewing agencies shall be submitted annually beginning within one year of the issuance of the Development Order.

9. All air carriers shall be required to comply with Federal Aviation Regulation (FAR) Part 36 Stage Two noise limits as required by FAR Part 91.

10. The Sarasota-Bradenton Airport Authority shall demonstrate substantial compliance with and favorable results from all preceding noise abatement conditions of approval prior to issuance of construction permits for Phase II.

E. Annual Report Requirements

The Airport Authority shall submit an annual report pursuant to the requirements of Chapter 380.06 (14) and (16), Florida Statutes, and the SWFRPC. This report shall be submitted on the anniversary of the effective date of the Development Order, for each following year, until and including such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The Airport Authority shall submit this annual report to the City of Sarasota Planning Department, the SWFRPC, the TBRPC, the Florida Bureau of Land and Water Management, and all affected permitting agencies.

The report shall contain:

- (a) Changes in the plan of development or phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Developed and/or undeveloped tracts of land that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Airport Authority adjacent to the original DRI site, since the Development Order was issued;

(e) A description of all development activities conducted pursuant to the Development Order conditions during the reporting year of each annual report, and an outline of all activities anticipated in the following year;

(f) An assessment of the development's and local government's compliance with conditions of approval contained in the Development Order;

(g) Copies of all documents filed with the City in connection with the Site & Development Plans and Construction Plan approvals;

(h) The date and filing number of all building permits and other permits;

(i) Requests for substantial deviation determination that were filed in the reporting year and are anticipated to be filed during the following year;

(j) Monitoring report including:

(1) Stormwater management maintenance programs status. This shall include measures instituted regarding "Best Management Practices: for soil erosion and sedimentation controls, lawn maintenance procedures and retention/detention systems maintenance, pursuant to the requirements of the City of Sarasota and the U.S. Department of Agriculture Soil Conservation Service.

(2) Transportation reports indicating when Level of Service "C" is exceeded on impacted roadways and/or intersections, and providing updated information to more accurately forecast project buildout traffic and total traffic for determination of the Applicant's proportionate share. These reports shall contain traffic counts taken at all ingress/egress points to the site, and turning movements at the following intersections:

1. U.S. 41 at DeSoto Road
2. Old U.S. 301 at University Parkway at 59th Street
3. University Parkway at New U.S. 301
4. University Parkway at connector Road
5. Connector Road at DeSoto Road
6. DeSoto Road at Bradenton Road
7. General Spaatz (egress) at U.S. 41
8. General Spaatz (USF at Sarasota) at U.S. 41

The first monitoring report shall be submitted at the time of the issuance of the first certificate of occupancy for Phase I of the Sarasota/Bradenton Airport Terminal Expansion project. Reports shall be submitted annually until buildout of the project.

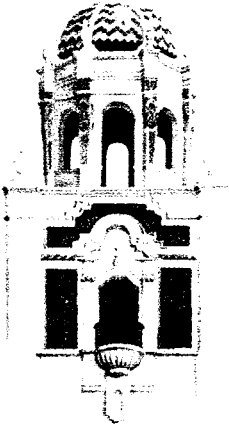
In addition to the above mentioned agencies these reports shall also be submitted to the City of Sarasota Engineering Department, the Sarasota/Manatee County MPO and FDOT for review.

(3) Results of implementation of any short-term and long-term noise abatement measures.

(k) A statement that all persons have been sent copies of the annual report in conformance with Chapter 380.06 (14) and (16), Florida Statutes; and

(l) A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Airport Authority pursuant to Paragraph 380.06 (14) (d), Florida Statutes.

If the annual report is not received by the SWFRPC, the TBRPC, or the Florida Bureau of Land and Water Management, these agencies shall notify the City of Sarasota. Upon such notification or upon non-receipt by the City of Sarasota of the annual report, the City shall request in writing that the Airport Authority submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in the City of Sarasota temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are complied with.



COUNTY OF SARASOTA

F L O R I D A

CLERK TO BOARD OF COUNTY COMMISSIONERS

R. H. HACKNEY, JR., CLERK

KAREN E. RUSHING CHIEF DEPUTY CLERK

P. O. BOX 8

SARASOTA, FLORIDA 33578

October 8, 1987

Ms. Suzanne Cooper  
Tampa Bay Regional Planning Council  
9455 Koger Blvd., Suite 219  
St. Petersburg, FL 33702

RE: RESOLUTION NO. 87-516

Dear Ms. Cooper:

Enclosed herewith please find one certified copy of Resolution No. 87-516, adopted by the Board of County Commissioners, Sarasota County, Florida, in the meeting held on October 6, 1987.

Sincerely,

Karen E. Rushing  
Clerk of Circuit Court

By: Connie Spenla  
Connie Spenla, Deputy Clerk

124  
MAILED



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

RESOLUTION NO. 87-516

RE: AMENDMENT TO THE MASTER CONCEPTUAL DEVELOPMENT  
PLAN FOR THE SARASOTA-BRADENTON AIRPORT NEW TERMINAL  
COMPLEX DEVELOPMENT OF REGIONAL IMPACT

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida, hereby makes the following findings:

1.1 On August 13, 1987, pursuant to Section 380.06 (19), Florida Statutes, as amended, the Sarasota-Manatee Airport Authority submitted to Sarasota County an application for approval of proposed change to the Sarasota-Bradenton New Terminal Complex Development of Regional Impact to allow construction of a new airport maintenance facility.

1.2 The copies of this application for approval of a proposed change have been submitted to the Southwest Florida Regional Planning Council and to the Bureau of Resource Management, Department of Community Affairs (DCA) pursuant to Subsection 380.06(19)(f)(2), Florida Statutes, as amended.

1.3 The construction of a new airport maintenance facility within the Sarasota-Bradenton Airport New Terminal Complex Development of Regional Impact required an amendment to the Master Conceptual Development Plan, which was approved as part of the Application for Development Approval for the Sarasota-Bradenton Airport New Terminal Complex development and incorporated by reference in Development Order Resolution No. 85-408, as amended.

1.4 On October 6, 1987, after public notice, the Board of County Commissioners of Sarasota County did hold a public hearing to consider whether the change in "The Sarasota-Bradenton Airport New Terminal Complex" development plan, as approved, would constitute a substantial deviation, and, therefore cause the development to be subject to further development of regional impact review pursuant to Section 380.06(19) Florida Statutes, as amended.

1.5 Pursuant to Subsection 380.06(19)(f)(3) Florida Statutes, as amended, the notice of a public hearing was published in the Sarasota Herald Tribune on September 17, 1987 and was provided to the Florida Department of Community Affairs, the Southwest Florida Regional Planning Council, and other persons designated by DCA rules.

1.6 The proposed change to the Sarasota-Bradenton Airport New Terminal Complex Master Conceptual Development Plan will not unreasonably interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to the area.

1.7 The proposed change to the Sarasota-Bradenton Airport New Terminal Complex Master Conceptual Development Plan is consistent with the Sarasota County Comprehensive Plan and not in conflict with other local land development regulations.

1.8 The change in the approved Master Conceptual Development Plan for the Sarasota-Bradenton Airport New Terminal Complex does not constitute a substantial deviation and, therefore, does not cause the development to be subject to further development of regional impact review, pursuant to Section 380.06(19), Florida Statutes, as amended.

I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE SEP 9, 1987  
R. H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
EX OFFICIO TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: KAREN E. HACKNEY  
DEPUTY CLERK

87-516

SECTION 2. Approval of Amendment of the Master Conceptual Development Plan

2.1 The Board of County Commissioners of Sarasota County, Florida hereby approves the amended Master Conceptual Development Plan for the Sarasota-Bradenton Airport New Terminal Complex Development of Regional Impact as shown on Exhibit "A" attached to this Resolution.

SECTION 3. Effective Date. This resolution shall take effect upon its adoption.

SECTION 4. Service and Recording.

4.1 Notice of the adoption of this Resolution and a certified copy of this Resolution shall be recorded in accordance with Section 380.06(15)(f)(1), Florida Statutes, as amended.

4.2 The Sarasota County Clerk shall certify the date upon which certified copies of this Resolution are deposited in the U.S. Mail for the Department of Community Affairs, the Southwest Florida Regional Planning Council, Tampa Bay Regional Planning Council, City of Sarasota, Manatee County and the Sarasota-Manatee Airport Authority.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida this 6th day of October, 1987.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: Moby Coulton  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk  
of the Circuit Court and  
Ex-Officio Clerk of the Board  
of County Commissioners of  
Sarasota County, Florida

By: Karen E. Rushing  
Deputy Clerk

BL/cc  
R6:R-AIR

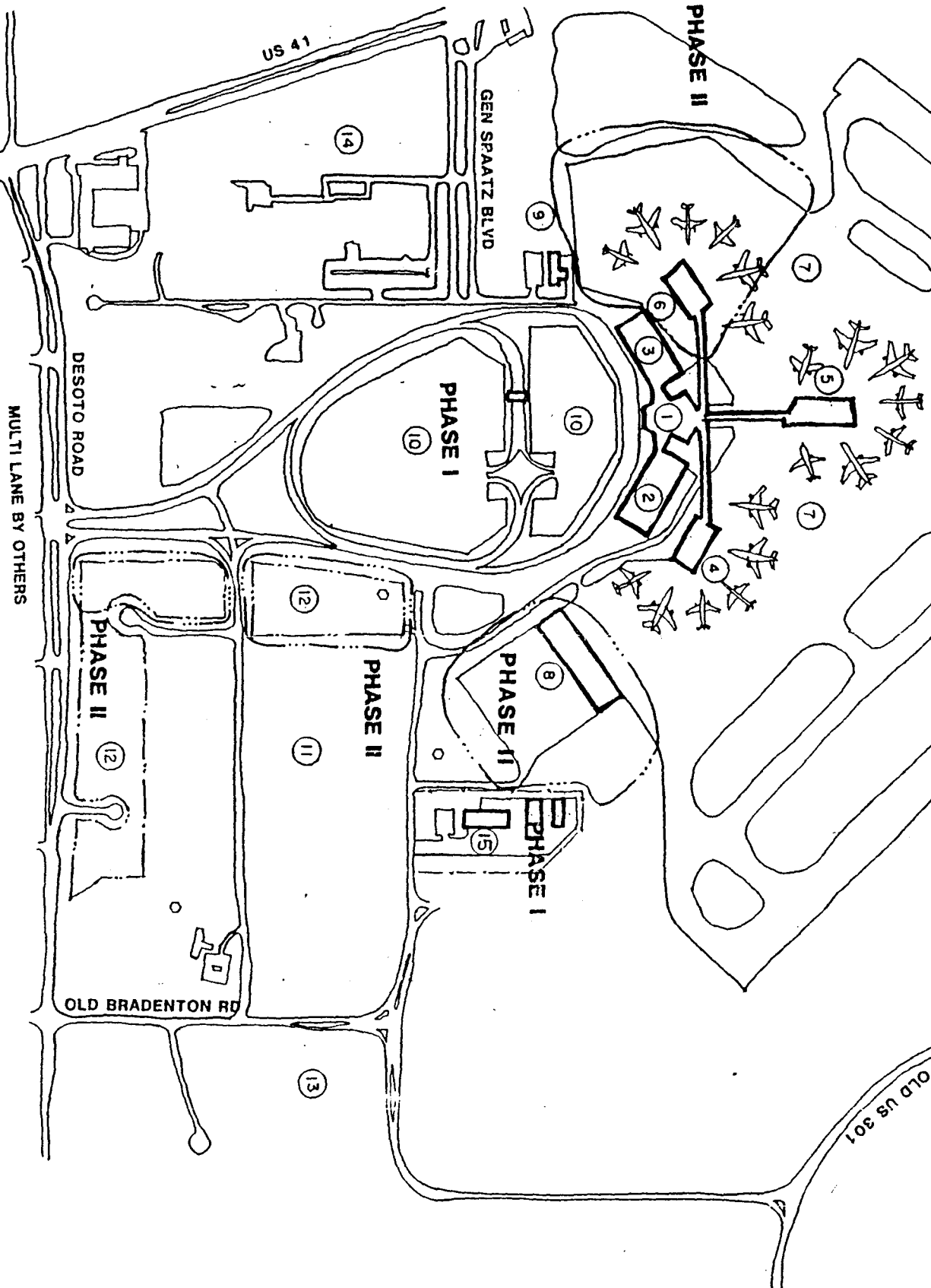
STATE OF FLORIDA )  
COUNTY OF SARASOTA )

I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE Oct 9, 1987

KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: Ernie Abate  
DEPUTY CLERK

**EXHIBIT A**  
**MASTER CONCEPTUAL DEVELOPMENT**  
**PLAN FOR THE SARASOTA-BRADENTON**  
**AIRPORT NEW TERMINAL COMPLEX**  
**DEVELOPMENT OF REGIONAL IMPACT**

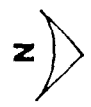
○ EXISTING WELL



**LEGEND**

- 1 Main Lobby
- 2 Ticketing
- 3 Bag Claim
- 4 Airside A
- 5 Airside B
- 6 Airside C
- 7 Aircraft Parking
- 8 Air Freight
- 9 Administration
- 10 Automobile Parking
- 11 Auto Rental Lease Area
- 12 Non Aviation Commercial Lease Area
- 13 Flight Kitchen
- 14 University of South Florida
- 15 Maintenance Facility

SCALE IN FEET  
 0 100 500  
 1" = 100'



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILES IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS DATE Oct 9, 1987  
**KAREN E. RUSSELL** CLERK OF THE CIRCUIT COURT  
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
 BY: Connie Peake COUNTY CLERK

**MASTER DEVELOPMENT PLAN**  
 DATED 8-4-87  
 AVE 9-4-87  
 MAP H



CITY OF SARASOTA

STATE OF FLORIDA

SARASOTA, FLORIDA

P. O. Box 1058  
33578

✓  
AB —

November 15, 1985

Bruce Belrose, Executive Director  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, Florida 33702

Dear Mr. Belrose:

*Bruce*

Enclosed for your information is a copy of the City of Sarasota resolution which was adopted by the City Commission on November 4, 1985 approving the application for development approval for the Sarasota-Bradenton Airport New Terminal Complex DRI. Attached to the resolution is the Conditions of Approval.

Sincerely,

*Paul M. Segal*

Paul M. Segal, AICP  
Planning Director

*Paul*

PMS/ph  
Enclosure  
cc: SWFRPC

FDCA

Allan Eckle, Airport Engineer

Fred Goodrow, Manatee County Planning



HOME OF RINGLING MUSEUMS

*Manatee County*

RESOLUTION R-85-265

RESOLUTION OF MANATEE COUNTY,  
FLORIDA RESCINDING RESOLUTION  
R-85-259 AND DENYING DEVELOPMENT  
ORDER FOR DRI NO. 15

WHEREAS, the Sarasota-Manatee Airport Authority ("AIRPORT") in accordance with Section 380.06, Florida Statutes, has filed an Application for Development Approval ("ADA") of a Development of Regional Impact (D.R.I. No. 15) with Manatee County; and

WHEREAS, AIRPORT proposes to replace the existing airport terminal, increase parking facilities, add airside structures, construct a new surface drainage system and construct a new internal road network, which has been determined by the Department of Community Affairs to require approval of a Development of Regional Impact (BLID - 985-035).

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

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, notice of public hearing of these proceedings was duly published; and

WHEREAS, after publication and furnishing of notice, public hearing was held in these proceedings on September 11, 1985; October 2, 1985; October 9, 1985 and October 11, 1985, before the Manatee County Planning Commission, and on October 17, 1985 and November 13, 1985, before the Board of County Commissioners of Manatee County, Florida; and

Sarasota-Manatee DRI No. 15  
Page Two

WHEREAS, at public hearing, all parties were afforded the opportunity to present evidence and argument on all issues, and to submit rebuttal evidence; further, all members of the general public wishing to participate were given the opportunity to present oral and/or written communication; and

WHEREAS, Tampa Bay Regional Planning Council ("TBRPC") and Southwest Florida Regional Planning Council ("SWFRPC"), have prepared and submitted to Manatee County their report and recommendations on the regional impact of the development; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida and Manatee County Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by AIRPORT, TBRPC, SWFRPC, AIRPORT consultants, as well as Manatee County staff, consultants and various persons in attendance at public hearing; and

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

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

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

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

2. The real property involved in this proposed AIRPORT development is owned by AIRPORT, located in Manatee County, Florida, Sarasota County, Florida and City of Sarasota, Florida and is described in Exhibit "A", attached hereto and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(2) and 380.06(14), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Board of County Commissioners has determined that:

a. the AIRPORT development described in the Application for Development Approval is not located in an area of critical state concern;

b. the Board declines to make a finding relating to how and to what extent the AIRPORT Application for Development Approval may unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area, in that the State has not adopted such a plan.

c. the AIRPORT development described in the Application for Development Approval is not consistent with the local comprehensive plan and local land development regulations; and

d. the AIRPORT development described in the Application for Development Approval is not consistent with the initial reports and recommendations of TBRPC and SWFRPC attached hereto as composite Exhibit "B". Said planning councils' reports and recommendations require that local governmental approval be given subject to certain stated modifications and conditions contained in their respective reports. The proposed AIRPORT development, as modified by the conditions contained in Exhibit "B", is consistent with said regional planning councils' reports and recommendations.

B. BE IT FURTHER RESOLVED, by the Board of County Commissioners, as to conclusions of law, that:

1. The proceedings have been conducted pursuant to the provisions of Chapter 380, Florida Statutes, and that;

2. AIRPORT has not sustained and proved all the material allegations and assertions made in the Application in that:

a. after hearing all argument and considering the matters referred to herein, the Board of County Commissioners finds the proposed AIRPORT development to be inconsistent with their interpretation of Element 2 (Plan Administration) and Element 11 (Aviation) of the Manatee Plan.



b the proposed AIRPORT development is determined by the Board of County Commissioners, after considering the issues of environment, public facilities and services, transportation and compatability as identified by the applicable regional planning councils, to be incompatible with the existing surrounding land uses. Said incompatibility arises from the failure of the AIRPORT to demonstrate to the satisfaction of the Board of County Commissioners that the proposed development shall not result in increased LDN contours (day-night/average sound level as defined in 14 CFR Part 150). Said incompatibility is a function of noise not within the exclusive jurisdiction of the Federal Aviation Administration ("FAA") and therefore within the control of the local airport proprietor subject to approval by the FAA.

c. the proposed AIRPORT development is determined by the Board of County Commissioners to be deficient in addressing the needs and concerns of the residents of Manatee County, Florida, for all the foregoing reasons.

3. Having fully considered all the foregoing and being

fully advised in the premises, the Board of County Commissioners determines that AIRPORT is not entitled to the relief prayed and applied for in said Application and, therefore, the Board of County Commissioners hereby denies the AIRPORT Application for Development Approval for a Development of Regional Impact (D.R.I. No. 15).

4. In order that the AIRPORT may satisfy the concerns stated in subsection B.2 contained herein, the AIRPORT shall:

a. demonstrate consistency with the Manatee Plan by modification of the proposed development to comply with the stated purpose and intent contained therein, or otherwise demonstrate consistency with the Manatee Plan.

b. demonstrate compatability with existing surrounding land uses by methods, other than the purchase of avigation easements, designed to result in actual decrease of LDN contours, to the extent such measures are within the control of the local airport proprietor and approved by the FAA. Such measures may include without limitation, the prohibition/curfew of night flights; modification of flight patterns to insure safety, as well as noise abatement; a mandate that airlines use only state-of-the-art airplanes designed to reduce noise levels; and any other measures, utilized by all other airports subject to FAA requirements,

to significantly and effectively abate noise.

c. demonstrate that the proposed development affirmatively addresses the concerns and needs of the residents of Manatee County.

5. Denial of the special permit has been made by separate document, R-85-264, a copy of which is attached hereto as Exhibit "C". In order that the proposed AIRPORT development may become consistent with the local comprehensive plan and local land development regulations, the AIRPORT, presently zoned M-1, Light Industrial, must satisfy the criteria established by the Board of County Commissioners to obtain a special permit for the proposed development.

C. BE IT FURTHER RESOLVED THAT:

1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.

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

a. The "Application for Development Approval" together with supporting documents submitted by AIRPORT.

b. The legal description of the property attached hereto as Exhibit "A".

4. Specification of monitoring procedures and local official responsible for assuring compliance by the AIRPORT with this order required by Section 380.06(15)(c)(1), Florida Statutes, are not applicable in that the Application for Development Approval for a Development of Regional Impact (D.R.I. No. 15), is denied.

5. Compliance dates required by Section 380.06(15)(c)(2), Florida Statutes, are not applicable in that the Application for Development Approval for a Development of Regional Impact (D.R.I. No. 15), is denied.

6. Annual reports required by Section 380.06(1)(c)(4) and (18), Florida Statutes, are not applicable in that the Application for Development Approval for a Development of Regional Impact (D.R.I. No. 15), is denied.

D. Resolution R-85-259 constituting a development order for the Sarasota-Manatee Airport Authority Application for Development Approval of a Development of Regional Impact No. 15, is hereby rescinded in its entirety and replaced by this Resolution constituting a development order for the same proposed development.

E. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County, transmittal to the TBRPC, SWFRPC and the Florida Department of Community Affairs provided, however, that the filing of a notice of appeal pursuant to Chapter 380.07, Florida Statutes, stays the

RESOLUTION R-85-265

Sarasota-Manatee DRI No. 15  
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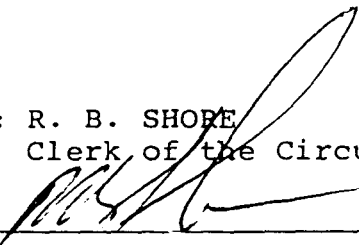
effectiveness of this Development Order.

ADOPTED with a quorum present and voting this 12th day  
of December, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By Edward W. Chance  
Chairman 12/12/85

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



Legal Description

**Sarasota-Bradenton Airport Legal Description:**

That part of Sections 25, 26, 35, Township 35 South, Range 17 East, lying East of U.S. Highway 41; Section 36, Township 35 South, Range 17 East; Section 31, Township 35 South, Range 18 East, Manatee County, Florida; Section 1, Township 36 South, Range 17 East; Section 6, Township 36 South, Range 18 East lying North of DeSoto Road and East of U.S. Highway 41; Sarasota County, Florida.

Lying within the following described boundaries to wit:

**PARCEL "A"**

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run N 88-48-04 West, 50.00 feet to the Westerly right-of-way line of U.S. Highway 301 for a Point of Beginning of Parcel "A"; thence run S 00-12-26 West along said Westerly right-of-way of U.S. Highway 301 a distance of 2,640.53 feet to a point; thence run S 00-26-26 West along said right-of-way 1,498.27 feet to a point; thence on a curve to the left having a start tangent bearing of S 00-23-02 West, a radius of 1,196.00 feet, an arc length of 1,874.70 feet and an end tangent bearing of S 89-25-33 East; thence run S. 89-25-33 East 145.14 feet to the Westerly right-of-way of Seaboard Coastline Railroad; thence run S 00-13-22 West along said railroad right-of-way 2,542.22 feet to the North right-of-way of DeSoto Road; thence run N 89-16-34 West along said road right-of-way 2,706.57 feet to a point; thence run N 00-43-35 West along said road right-of-way 10.13 feet to a point; thence run N 89-16-25 West along said road right-of-way 1,842.00 feet to a point of intersection with the easterly right-of-way of U.S. Highway 41; thence run N 14-54-52 West along said U.S. Highway 41 right-of-way 2,469.57 feet to a point; thence on a curve to the left, having a start tangent bearing of N 17-15-11 West, a radius of 5,789.58 feet, an arc length of 563.74 feet and an end tangent bearing of N 22-49-55 West; thence run S 89-31-49 East 116.99 feet to a point; thence run N 00-17-11 East 463.78 feet to a point; thence run N 26-39-12 West 364.19 feet to a point; thence run S 89-24-01 East 45.00 feet to a point; thence run N 26-39-12 West 245.01 feet to a point; thence run N 89-24-10 West 384.01 feet to a point on the Westerly right-of-way of U.S. Highway 41; thence run N 26-39-12 West along said highway right-of-way 1,181.90 feet to a point; thence on a curve to the right having a start tangent of N 35-13-42 West, a radius of 1,849.86 feet, an arc length of 276.85 feet and an end tangent bearing of N 26-39-12 West; thence run S 89-22-01 East 580.67 feet to a point; thence run N 00-16-00 East 524.88 feet to a point; thence run S 89-59-50 West 200.00 feet to a point; thence run N 00-16-00 East 183.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 263.00 feet to a point; thence run S 89-59-50 West 225.00 feet; thence run N 00-16-00 East 218.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 228.00 feet to a point; thence run S 89-59-50 West

thence on a curve to the right having a start tangent bearing of N 89-25-33 West, a radius of 1,096.00 feet, an arc length of 1,717.97 feet, and an end tangent bearing of N 00-23-02 East; thence run N 00-26-26 East along said highway right-of-way 845.27 feet to the Point of Beginning.

Containing 50.88 acres, more or less

PARCEL "D"

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East along the North boundary of said Section 6; 1,363.17 feet to the centerline of the Seaboard Coastline Railroad; thence run S 00-13-22 West along said centerline 350.01 feet to a point; thence run South 89-25-33 East 75.00 feet to the East right-of-way line of said railroad for a Point of Beginning; from said Point of Beginning run S 89-25-33 East 1,400.00 feet to a point; thence run S 00-34-27 West 200.00 feet to a point; thence run S 89-25-33 East 600.00 feet to a point; thence run S 00-34-27 W, 500.00 feet to a point; thence run S 51-01-08 West 693.71 feet to a point; thence run S 73-17-58 West 258.58 feet to a point; thence run S 20-57-33 West 599.72 feet to a point; thence run S 44-58-15 West 369.15 feet to a point; thence run S 89-16-34 East 409.86 feet to a point; thence run S 00-43-26 West 250.01 feet to a point on the North right-of-way line of DeSoto Road; thence run N 89-16-34 West 1,171.53 feet to the easterly right-of-way line of the Seaboard Coastline Railroad; thence run N 00-13-22 East along said railroad right-of-way 1,276.21 feet to a point; thence run S 80-43-36 East along said right-of-way 25.00 feet to a point; thence run N 00-13-22 East along said right-of-way 966.20 feet to the Point of Beginning.

Containing 73.75 acres, more or less.

PARCEL 108

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,001.80 feet to a point; thence run S 00-34-27 West 433.68 feet to the Point of Beginning; thence run S 89-48-25 East 103.97 feet to a point; thence run S 00-34-27 West 66.92 feet to a point; thence run N 89-25-33 West 97.98 feet to a point; thence run N 00-34-27 East 66.27 feet to a point; thence run N 89-49-33 West 5.99 feet to the Point of Beginning.

Containing 6,524.87 Square feet, more or less.

PARCEL 109

Commence at the Northwest corner of Section 6, Township 36 South, Range 18



East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,566.84 feet to a point; thence run S 00-34-27 West 500.00 feet to a point; thence run N 89-25-33 West 264.96 feet to the Point of Beginning; thence run N 89-25-33 West 144.00 feet to a point; thence run N 00-34-27 East 67.90 feet to a point; thence run S 89-49-33 East 144.00 feet to a point; thence run S 00-34-27 West 68.91 feet to the Point of Beginning.

Containing 9,850.53 square feet, more or less.

TBRPC and SWFRPC REPORTS

AND

RECOMMENDATIONS

COMPOSITE EXHIBIT B

### RECOMMENDED REGIONAL CONDITIONS

BASED ON THE ABOVE FINDINGS, AND THE ISSUES RAISED IN THE ATTACHED DISCUSSION OF SPECIFIC IMPACTS OF THIS DEVELOPMENT ON THE PUBLIC FACILITIES OF THE TAMPA BAY REGION, IT IS THE RECOMMENDATION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL THAT APPROVAL OF THE SARASOTA-BRADENTON AIRPORT EXPANSION, AS PRESENTED IN THE ADA, BE ACCORDED ONLY AT SUCH TIME AS THE CONDITIONS OF APPROVAL CITED HEREIN OR SUFFICIENT MEASURES TO MITIGATE THE ADVERSE IMPACTS TO BE GENERATED BY THIS DEVELOPMENT CITED HEREIN ARE COMMITTED TO BY THE APPROPRIATE ENTITIES OR JURISDICTIONS. ANY APPROVAL OF THIS DEVELOPMENT OR PORTION THEREOF MUST INCLUDE MEASURES FOR UPGRADING THE LEVELS OF SERVICE ON REGIONAL FACILITIES AND CURING AND MITIGATING THE ADVERSE ENVIRONMENTAL AND PUBLIC FACILITIES IMPACTS CITED IN THIS REPORT.

1. Transportation Improvements. The Sarasota-Bradenton Airport Expansion development will have a substantial negative impact on several regionally significant highway facilities within the primary impact area. Transportation system improvements required to mitigate the negative impact of this proposed development on transportation facilities have been identified in the ADA and by TBRPC in this report. To approve this development, the significant transportation system deficiencies (enumerated as Option 1) must be cured and mitigated. Two options are included in this report for consideration by local government. The first option requires funding commitments for the necessary improvements prior to approval of each project phase. The second option requires continued traffic analysis of regionally significant roadways throughout the development period with subsequent approvals conditioned to the maintenance of an adequate Level of Service (LOS C daily, D at peak hours). These options are outlined as follows:

#### Option 1

- A. Any approval of Phase I of this development shall stipulate that funding commitments from responsible entities for the following roadway improvements be secured prior to any development. Without funding commitments for these improvements construction permits shall not be issued for Phase I.
  1. All Phase I provisions listed herein shall be satisfied before approval for any subsequent phase or subphase is granted.
  2. Increase the capacity of University Parkway between Old US 301 and New US 301 by constructing one additional eastbound and one additional westbound through lane. Traffic generated by the Sarasota-Bradenton Airport will contribute 11.5 percent of the daily service volume of LOS C.
  3. Improve the Airport Access/DeSoto Road intersection as follows: Signalize when warranted.
  4. Improve the Old US 301/University Parkway/59th Street intersection as follows: Signalize when warranted. Traffic generated by Sarasota-Bradenton Airport will contribute 10.1 percent of the summation of critical movements of LOS D of the existing facility during the PM peak hour.

B. Any approval of Phase II of this development shall stipulate that funding commitments from the responsible entities for the following roadway improvements or those identified in the updated analysis be secured prior to any development. Without funding commitments for these improvements/provisions, construction permits shall not be issued for Phase II.

1. Increase the capacity of Old Bradenton Road from DeSoto Road to 47th Street by constructing one additional northbound and one additional southbound lane to create a four-lane section. Traffic generated by Sarasota-Bradenton Airport will contribute 9.5 percent of the daily service volume of LOS C of the existing facility.
2. Increase the capacity of University Parkway from US 301 to Lockwood Ridge Road by constructing one additional eastbound and one additional westbound lane to create a four-lane divided section. Traffic generated by Sarasota-Bradenton Airport will contribute 9.9 percent of the daily service volume of LOS C of the existing facility.
3. Increase the capacity of University Parkway from Lockwood Ridge to I-75 by constructing one additional eastbound and one additional westbound through lane to create a four-lane divided section. Sarasota-Bradenton Airport will contribute 9.6 percent of the daily service volume of LOS C of the existing facility.
4. Improve the US 41/DeSoto Road intersection as follows: construct one additional northbound and one additional southbound through lane; construct one additional southbound-to-eastbound left turn lane for a total of two. Sarasota-Bradenton Airport will contribute 12.1 percent of the summation of critical movements of LOS D of the existing facility during the PM peak hour.
5. Construct a connector road from the intersection of Old Bradenton-DeSoto Road northeast to University Parkway. Sarasota-Bradenton Airport will contribute 15.0 percent of the peak hour service volume of LOS D of the projected facility.
6. Improve the proposed airport Connector/University Parkway intersection as follows: Signalize when warranted.
7. Provide transit amenities as referenced in the ADA, at minimum transit considerations should include: Construction of bus turnouts and bus shelters, and distribution of transit route information.

## Option 2

In the event that commitments for transportation improvements are adequate to permit only partial approval of this development, the capacity and loading of transportation facilities in the Sarasota-Manatee transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the developer shall generate and provide local governments, the Sarasota-Manatee Area Transportation System Metropolitan Planning Organization and Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion of which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis findings (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the regional roadways at a satisfactory Level of Service, daily Level of Service C, D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices and the original ADA. Prior to any specific approval beyond original approval, Manatee County, Sarasota County or their designees shall ensure in written findings of fact that the above roadways are operating at or above an average daily Level of Service C, D at peak hours, and that the expected trips to be generated by such approval would not cause the roadways to operate below an average daily Level of Service C, D at peak hours. A revised and updated traffic analysis shall be submitted pursuant to the provisions of Section 380.06, F.S. prior to any approval of Phase II.

## 2. Noise Abatement

- A. The Sarasota-Manatee Airport Authority shall implement all Short- and Long-Term Elements of the Noise Compatibility Program (NPC) once this plan has been approved by the Federal Aviation Administration (FAA), to include the following:

### Short-Term Elements

- Noise Abatement Turn, Runway 13 Takeoffs--immediate left turn to a heading of 050 degrees, if deemed appropriate to reduce noise after a test program is conducted on the Runway 31 takeoffs
- Noise Abatement Turn, Runway 31 Takeoffs--immediate left turn to a heading of 270 degrees
- Required Use of Ground Power Units, 10:00 p.m. - 7:00 a.m.
- No use of External Public Address System, 10:00 p.m. - 7:00 a.m.
- Prohibition of Non-emergency Maintenance Runups, 10:00 p.m. - 7:00 a.m.

- Noise Abatement Advisory Committee
- Noise Abatement Officer
- Noise Monitoring
- Noise Complaint Response
- Plan Review and Evaluation
- Public Information

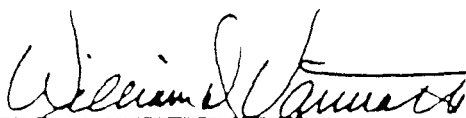
Long-Term Elements

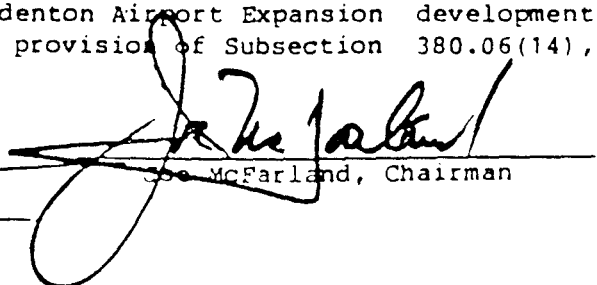
- Continuation of all elements of the short-term program.
  - Purchase of aviation easements or fee simple interest in properties involved in the Joint Stipulation.
  - Purchase of aviation easements over residential properties in the Ldn (Level day-night) 75 contour, purchased by present owners prior to January 1, 1980.
  - Offer to purchase Fee-Simple Interest in residential properties in the Ldn 75 contour, purchased by present owners prior to January, 1980.
- B. Through periodic reporting which shall commence no later than one year after FAA approval of the Noise Compatibility Program (NCP), the applicant shall file a report with the Florida Department of Transportation, the Florida Department of Community Affairs, the City of Sarasota, Sarasota County, Manatee County, the Southwest Florida Regional Planning Council, and the Tampa Bay Regional Planning Council. At minimum the report shall include: Total number of commercial and general aviation operations; percent change of those operations; number of operations occurring between 10:00 p.m. and 7:00 a.m.; population estimate of persons residing within the 70-75 and 75+ Ldn contours, number and location of noise sensitive land uses within the 65-70, 70-75 and 75+ Ldn contours; the success of aviation easement and/or fee simple purchase (as appropriate); the success in compliance with a noise exposure disclosure program for all real property located within the 70-75 and 75+ Ldn contours.
- C. The Sarasota-Manatee Aviation Authority, in the preparation of a noise control program, shall seek guidance and assistance from the adjacent local governments in matters relating to land use compatibility and development regulation.
- D. Said Noise Compatibility Program, when approved and implemented, must substantially reduce the area within the 70-75 and 75+ Ldn contours.

- E. The Sarasota-Manatee Airport Authority shall continue to review and comment upon rezonings, land use amendments, site plan amendments and other appropriate development activity which occurs within the impact area of the airport. The purpose of the review and comment is to assure consistency with the airport's Noise Compatibility Program.
  - F. Subject to approval of the noise exposure map by the FAA, local governments shall insure that a noise exposure disclosure is attached to all real estate transactions, deeds, and covenants for property located within the 65-70, 70-75 and 75+ Ldn contours within their jurisdictions. This requirement should also include a mechanism to notice renters.
  - G. The applicant shall initiate an Ongoing Noise Monitoring Program. Within six months of the adoption of the Development Order, the applicant shall prepare an Ongoing Noise Monitoring Program. The contents of this program shall be reviewed and approved by the FDOT, FDCA, City of Sarasota, Manatee County, Sarasota County, SWFRPC, and TBRPC prior to the issuance of the Certificate of Occupancy for Phase I. At minimum the Ongoing Noise Monitoring Program shall include a program for periodic noise monitoring for Integrated Noise Model (INM) input verification, compliance with FAR Part 36 Stage Two noise limitations, compliance with the FAA-approved NCP, type and location of complaints received, and activity of the Noise Abatement Advisory Committee. A report containing the above data as well as other information deemed appropriate by the reviewing agencies shall be submitted annually beginning within one year of the issuance of the Development Order.
  - H. All air carriers shall be required to comply with Federal Aviation Regulation (FAR) Part 36 Stage Two noise limits as required by FAR Part 91.
  - I. The Sarasota-Bradenton Airport Authority shall demonstrate substantial compliance with and favorable results from all preceding noise abatement conditions of approval prior to issuance of construction permits for Phase II.
3. The entities and capability to provide wastewater treatment, solid waste disposal, and water service to this development, and developer participation in expansion of services shall be set forth in the Development Order.
  4. Separate hazardous waste storage areas within the project shall be provided. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR Part 261.)
    - A. The applicant shall provide to all businesses information that:
      1. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
      2. Indicates the location of the specially-designated hazardous waste and materials containers/areas; and

- D. Swales shall be designed to percolate 80 percent of the runoff resulting from a three-year, one-hour design storm within 72 hours after a storm event, assuming average antecedent conditions.
  - E. Permanently wet retention and detention basins shall be constructed with side slopes that are no steeper than 4:1 (horiz.: vert.) out to a depth of two feet below the control elevation.
  - F. All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation in the basins. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediments on-site.
  - G. The filtration system in retention facility "D" shall be designed with a safety factor of at least two and shall incorporate an approved underdrain filter media suitable for long-term pollutant absorption.
  - H. The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick-up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
- 11. A monitoring program to evaluate drainage impacts on Bowlee's Creek and Betty's Brook and consequently Sarasota Bay shall be established as recommended by the Department of Community Affairs (letter dated July 22, 1985, attached).
  - 12. The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.
  - 13. Any approval of this development shall require that all of the developer's commitments, set forth in the ADA and as summarized in this report, be honored, except as they may be superceded by specific terms of the Development Order.
  - 14. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Section 380.06, F.S.
  - 15. Development plans for this airport facility shall be consistent and coordinated with the anticipated West Central Florida Air Systems Plan, when available.
  - 16. Any approval of the Sarasota-Bradenton Airport Expansion development shall, at minimum, satisfy the provision of Subsection 380.06(14), F.S.

ATTEST:

  
 William D. Vannatta  
 Secretary-Treasurer

  
 Joe McFarland, Chairman

These Comments and Recommendations were approved by a majority vote of the Tampa Bay Regional Planning Council this 12th day of August, 1985.



# SWFRPC'S OFFICIAL RECOMMENDATIONS

## SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

### REGIONAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE PROPOSED PROJECT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. AIRPORT NOISE (refer to Appendix I, Section A and D)

Airport noise was found to be a regional issue by the Department of Community Affairs during the review of the BLID for the Airport. The DRI-ADA indicates that approximately 12,913 people resided within the 65 Ldn noise contour in 1983. An FAR Part 150 Noise Study has been prepared by the Airport Authority and submitted to the Federal Aviation Administration (FAA) for review. The implementation measures outlined within this study, once approved by the FAA, should significantly reduce long term noise impacts.

### RECOMMENDATION

A. Any DRI Development Order issued for approval of the Sarasota-Bradenton New Terminal Complex shall contain the following provisions:

- 1.) The Sarasota-Bradenton Airport Authority shall continue to propose to all air carriers that deep night operations, except for emergency purposes, shall be strongly discouraged.

B. In addition to DRI Development Order conditions all local governments of jurisdiction surrounding the airport should incorporate an Airport Element within future Local Government Comprehensive Land Planning efforts and should consider land use control measures and ordinances such as Airport Zoning Districts, to control land use compatability within the projected 65 Ldn noise contour areas. Similarly, controls should be required along DeSoto Road to ensure that the primary access is not through congestion.

2. DRAINAGE/WATER QUALITY (Refer to Appendix I, Section B)

The applicant has proposed a surface water management that, if maintained properly, should control regional water quality and quantity impacts to Sarasota Bay.

RECOMMENDATIONS

Any DRI Development Order issued by Sarasota County, Manatee County and the City of Sarasota shall include the following provisions:

- a. All commitments provided in the ADA and supplemental submittals, with respect to Question 22 (Drainage), shall be incorporated as conditions of approval.
- b. An on-going maintenance and monitoring program that regularly inspects, maintains, and samples the stormwater drainage system shall be implemented by the applicant, or his successors, through the project lifetime.
- c. The use of "best management practices" shall be incorporated into the overall surface water management system, as outlined in the Application for Development Approval, response to Question 22, and all sufficiency responses.

3. TRANSPORTATION (Refer to Appendix, I Section C)

The traffic generated by the improvements to the Sarasota/Bradenton Airport, when combined with other growth in the area, will necessitate the widening of portions of University Parkway and US 41, and the completion of a planned connector roadway between University Parkway and DeSoto Road west of New US 301. Intersection improvements will also be necessary on these regional roadways.

RECOMMENDATIONS

Based on the needs outlined in this document, any DRI Development Order issued by Sarasota County or Manatee County shall contain the following:

- a. At the time that the City of Sarasota Engineering Department determines that intersection improvements are required at the main airport access road and DeSoto Road, the applicant shall be required to pay the cost of signalization, turn lanes, and other improvements deemed necessary.

b. At the time that any portion of the following road segments is found to exceed level-of-service "C" (by the Sarasota County, Manatee County, or City of Sarasota Engineering Departments or FDOT), the applicant shall become obligated to pay a proportionate share of the cost of the total improvements necessary to maintain level of service "C":

1. University Parkway

Old Bradenton Road to New US 301 (Sarasota/Manatee Co's.)

New US 301 to Tuttle Avenue (Sarasota/Manatee Co's.)

Tuttle Avenue to Lockwood Ridge Road (Sarasota/Manatee Co's.)

Lockwood Ridge Road to I-75 (Sarasota/Manatee Co's.)

The applicant shall contribute a fair share towards the total improvements necessary to maintain level of service (LOS) "C" on all impacted road segments, through project buildout. The applicant's "fair share" shall be determined by the proportion of the project's total buildout traffic on the road segment to total traffic forecasted on the road segment, where such forecasts for the project exceed 5% of total traffic.

Tables 2 and 3 of the Staff Transportation Assessment present estimated project traffic and total traffic forecasted through buildout based on current available data. These estimates shall be used to estimate proportional share until updated by the monitoring report required under condition d. and on updated traffic analysis.

c. At the time that any portion of the following intersections is found to exceed level of service "C" (by the appropriate County or City of Sarasota Engineering Department or FDOT), the applicant shall become obligated to pay a proportionate share of the cost of signalization, turn lanes, and other improvements deemed necessary by the appropriate agency:

1. US 41 at DeSoto Road (Sarasota County)
2. Old US 301/University Pkwy. at Cocconut Ave. Ext. (Sarasota/Manatee Co's.)
3. University Parkway at New US 301 (Sarasota/Manatee Co's.)
4. University Parkway at the New "Connector" Road (Sarasota/Manatee Co's.)
5. New "Connector" Road at DeSoto Road (Sarasota County)
6. DeSoto Road at Old Bradenton Road (Sarasota County)

The applicant shall contribute a fair share towards the total improvements necessary to maintain level of service (LOS) "C" on all impacted road intersections. The applicant's "fair share" shall be determined by the proportion the project's total buildout traffic in the road intersection to total traffic forecasted on the road intersection (where such forecasts for the project exceed 5% of the total traffic).

d. Commitment to construct the proportional share improvements outlined in recommendations b and c shall be made at the time that a road segment/intersection is found to exceed level-of-service "C". Service level determination shall be made by either the Sarasota County, Manatee County, or the City of Sarasota Engineering Departments or FDOT. To this end, the applicant shall submit an annual monitoring report for review to the Sarasota County, Manatee County, and City of Sarasota Engineering Departments, FDOT, and Tampa Bay and Southwest Florida Regional Planning Councils. The first monitoring report shall be submitted at the time of the issuance of the next building permits for Phase I of the Airport improvements. Reports shall be submitted annually until buildout of the project. This report shall contain traffic counts taken at the access points to the site and turning movements to the following intersections:

1. US 41 at DeSoto Road
2. Old US 301/University Pkwy. at 59th Street (Cocoanut Ave. Ext.)
3. University Parkway at New US 301
4. University Parkway at the New "Connector" Road
5. New "Connector" Road at DeSoto Road
6. DeSoto Road at Old Bradenton Road

The purpose of the monitoring report shall be to indicate when LOS "C" is exceeded on impacted roadways and/or intersections and to provide updated information to more accurately forecast project buildout traffic and total traffic for determination of proportional share.

e. The applicant may receive credit towards their MSTU fee, for any contributions made for road/intersection improvements outlined in these recommendations which may be included as an MSTU funded project.

f. If the New "Connector" Road from University Parkway to DeSoto Road west of New US 301 is not constructed by 1991 (currently programmed for 1988), the project shall undergo a determination as to whether a substantial deviation has occurred.

g. The applicant shall be encouraged to confine access to DeSoto Road from the Airport site to the main access road and Old Bradenton Road to ensure that the capacity of DeSoto Road is maintained.

h. The applicant shall be encouraged to continue to allow access from US 41 to the Airport along General Spaatz Blvd. to mitigate impacts on the critical section of US 41 from General Spaatz to DeSoto Road.

i. If any regional roadway segment or intersection is found to be operating at level-of-service "D" or worse for average daily traffic, and construction of the needed roadway improvment(s) has not begun, the project shall undergo a determination as to whether a substantial deviation has occurred. An amended development order shall be rendered after any substantial deviation determination, whether found to be a substantial deviation or not.

j. Alternative

It is understood that the specific conditions listed above require commitments for payment from the applicant and implicit commitments for construction from local and state agencies. In some cases, the improvments may not result even with applicant commitments because of the lack of commitment by state agencies. Therefore, Sarasota County and Manatee County are allowed to provide alternatives to the above conditions when the alternatives mitigate regional roadway impacts. Should this alternative be pursued, Sarasota County and Manatee County are requested to solicit Council review of the alternatives prior to the Development Order being adopted.

4. OTHER CONSIDERATIONS (Refer to Appendix I, Section D)

During the review of the DRI-ADA, staff became informed of potential conflicts between two adjacent regional resources, the Airport and USF/New College - Ringling Museum - Asolo Station Theatre Historical, Cultural and Educational area. Primary conflicts concerned noise, traffic circulation and land use compatability. Noise impacts have been largely addressed by the ANCLUC study.

RECOMMENDATIONS

Any DRI Development Order issued for approval of the Sarasota-Bradenton Airport New Terminal Complex shall contain the following:

a) a joint provision that a joint planning group comprised of, at a minimum, the Airport Authority, USF, New College University, Ringling Museum and Historic District and the Asolo State Theatre, be created and implemented by the Airport Authority to further explore and recommend mutually agreeable measures regarding noise mitigation - additional measures, such as long-term land sharing needs and mutually advantageous commercial ventures, should also be considered.

b) That the Airport Authority comment to provide a frontage road along DeSoto Road for any development that may occur on airport property along the road. This commitment should only be required if a frontage road is to be mandated by the City and County for all undeveloped tracts along the route.

## 5. GENERAL CONSIDERATIONS

In the ADA for the "Sarasota-Bradenton New Terminal Complex" DRI, numerous commitments were made by the applicant to mitigate project impacts. Many but not all of these commitments were listed in this staff assessment.

### RECOMMENDATIONS

Any DRI Development Order issued for approval of the Sarasota-Bradenton New Terminal Complex shall contain the provisions that:

a. All commitments and impact-mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.

b. The developer shall submit an annual report on the Development of Regional Impact to Sarasota County, Manatee County, the City of Sarasota, the Southwest Florida Regional Planning Council and all affected permit agencies as required in Chapter 380.06 (16), Florida Statutes.

RESOLUTION R-85-264

RESOLUTION DENYING SPECIAL PERMIT,  
SP-85-80

WHEREAS, the Sarasota-Manatee Airport Authority ("AIRPORT") in accordance with Manatee County Comprehensive Zoning and Land Development Code, has filed an Application for Approval of Special Permit (SP-85-80) with Manatee County; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, the governing body of local government having jurisdiction over zoning requests within the unincorporated areas of Manatee County, Florida is authorized and empowered to consider such Application; and

WHEREAS, pursuant to Section 401, Manatee County Comprehensive Zoning and Land Development Code, notice of public hearing of these proceedings was duly published; and

WHEREAS, after publication and furnishing of notice, public hearing was held in these proceedings before the Board of County Commissioners of Manatee County, Florida, where all parties were afforded the opportunity to present evidence and argument on all issues, and to submit rebuttal evidence; further, all members of the general public wishing to participate were given the opportunity to present oral and/or written communication; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida and Manatee County Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by AIRPORT, AIRPORT consultants,

B. BE IT FURTHER RESOLVED, by the Board of County Commissioners, as to conclusions of law, that:

1. The proceedings have been conducted pursuant to the provisions of Sections 401 and 405.F., Manatee County Comprehensive Zoning and Land Development Code, and that;

2. AIRPORT has not sustained and proved satisfaction of all criteria set forth in Section 405.F Manatee County Comprehensive Zoning and Land Development Code for approval of its application for special permit (SP-85-80) in that:

a. after hearing all argument and considering the matters referred to herein, the Board of County Commissioners finds the application for special permit (SP-85-80) to be inconsistent with their interpretation of Element 2 (Plan Administration) and Element 11 (Aviation) of the Manatee Plan.

b. the application for special permit (SP-85-80) is determined by the Board of County Commissioners, after considering the issues of environment, orderly development, public facilities and services, transportation and compatability as related to the criteria set out in Section 405.F., Manatee County Comprehensive Zoning and Land Development Code, to be incompatible with the existing surrounding land uses. Said incompatibility arises from the failure of the AIRPORT to demonstrate to the satisfaction of the Board of County Commissioners that the special permit (SP-85-80) shall not result in



increased LDN contours (day-night average sound level as defined in 44 CFR Part 150). Said incompatibility is a function of noise not within the exclusive jurisdiction of the Federal Aviation Administration ("FAA") and therefore within the control of the local airport proprietor subject to approval by the FAA.

3. Having fully considered all the foregoing and being fully advised in the premises, the Board of County Commissioners determines that AIRPORT is not entitled to the relief prayed and applied for in the application for special permit (SP-85-80) and, therefore, the Board of County Commissioners hereby denies the AIRPORT Application for Special Permit (SP-85-80).

C. This Order shall become effective upon adoption of Resolution R-85-264.

ADOPTED with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By \_\_\_\_\_  
Chairman

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

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RESOLUTION R-85-264

RESOLUTION DENYING SPECIAL PERMIT,  
SP-85-80

WHEREAS, the Sarasota-Manatee Airport Authority ("AIRPORT") in accordance with Manatee County Comprehensive Zoning and Land Development Code, has filed an Application for Approval of Special Permit (SP-85-80) with Manatee County; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, the governing body of local government having jurisdiction over zoning requests within the unincorporated areas of Manatee County, Florida is authorized and empowered to consider such Application; and

WHEREAS, pursuant to Section 401, Manatee County Comprehensive Zoning and Land Development Code, notice of public hearing of these proceedings was duly published; and

WHEREAS, after publication and furnishing of notice, public hearing was held in these proceedings before the Board of County Commissioners of Manatee County, Florida, where all parties were afforded the opportunity to present evidence and argument on all issues, and to submit rebuttal evidence; further, all members of the general public wishing to participate were given the opportunity to present oral and/or written communication; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida and Manatee County Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by AIRPORT, AIRPORT consultants,

as well as Manatee County staff, consultants and various persons in attendance at public hearing; and

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

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

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

1. A Notice of Public Hearing in these proceedings was duly published in, the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this special permit is owned by AIRPORT, and located in Manatee County, Florida. Said property is described in Exhibit "A", attached hereto and made a part hereof.

3. Upon consideration of the criteria set forth in Section 405 F, Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Board of County Commissioners has determined that the development described in the application for special permit (SP-85-80) is not consistent with the local comprehensive plan and local land development regulations.

B. BE IT FURTHER RESOLVED, by the Board of County Commissioners, as to conclusions of law, that:

1. The proceedings have been conducted pursuant to the provisions of Sections 401 and 405.F., Manatee County Comprehensive Zoning and Land Development Code, and that;

2. AIRPORT has not sustained and proved satisfaction of all criteria set forth in Section 405.F Manatee County Comprehensive Zoning and Land Development Code for approval of its application for special permit (SP-85-80) in that:

a. after hearing all argument and considering the matters referred to herein, the Board of County Commissioners finds the application for special permit (SP-85-80) to be inconsistent with their interpretation of Element 2 (Plan Administration) and Element 11 (Aviation) of the Manatee Plan.

b. the application for special permit (SP-85-80) is determined by the Board of County Commissioners, after considering the issues of environment, orderly development, public facilities and services, transportation and compatability as related to the criteria set out in Section 405.F., Manatee County Comprehensive Zoning and Land Development Code, to be incompatible with the existing surrounding land uses. Said incompatibility arises from the failure of the AIRPORT to demonstrate to the satisfaction of the Board of County Commissioners that the special permit (SP-85-80) shall not result in

increased LDN contours (day-night/average sound level as defined in 14 CFR Part 150). Said incompatibility is a function of noise not within the exclusive jurisdiction of the Federal Aviation Administration ("FAA") and therefore within the control of the local airport proprietor subject to approval by the FAA.

3. Having fully considered all the foregoing and being fully advised in the premises, the Board of County Commissioners determines that AIRPORT is not entitled to the relief prayed and applied for in the application for special permit (SP-85-80) and, therefore, the Board of County Commissioners hereby denies the AIRPORT Application for Special Permit (SP-85-80).

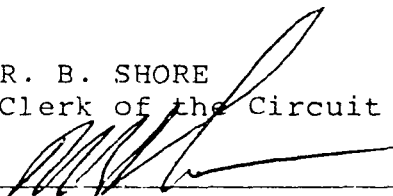
C. This Order shall become effective upon adoption of Resolution R-85-264.

ADOPTED with a quorum present and voting this 12<sup>th</sup> day of December, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By Edward W. Chane  
Chairman 12/12/85

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

  
\_\_\_\_\_

**Legal Description**

**Sarasota-Bradenton Airport Legal Description:**

That part of Sections 25, 26, 35, Township 35 South, Range 17 East, lying East of U.S. Highway 41; Section 36, Township 35 South, Range 17 East; Section 31, Township 35 South, Range 18 East, Manatee County, Florida; Section 1, Township 36 South, Range 17 East; Section 6, Township 36 South, Range 18 East lying North of DeSoto Road and East of U.S. Highway 41; Sarasota County, Florida.

Lying within the following described boundaries to wit:

**PARCEL "A"**

Commence at the Northeast corner of Section 36, Township 35 South, Range 17 East, Manatee County, Florida; thence run N 88-48-04 West, 50.00 feet to the Westerly right-of-way line of U.S. Highway 301 for a Point of Beginning of Parcel "A"; thence run S 00-12-26 West along said Westerly right-of-way of U.S. Highway 301 a distance of 2,640.53 feet to a point; thence run S 00-26-26 West along said right-of-way 1,498.27 feet to a point; thence on a curve to the left having a start tangent bearing of S 00-23-02 West, a radius of 1,196.00 feet, an arc length of 1,874.70 feet and an end tangent bearing of S 89-25-33 East; thence run S. 89-25-33 East 145.14 feet to the Westerly right-of-way of Seaboard Coastline Railroad; thence run S 00-13-22 West along said railroad right-of-way 2,542.22 feet to the North right-of-way of DeSoto Road; thence run N 89-16-34 West along said road right-of-way 2,706.57 feet to a point; thence run N 00-43-35 West along said road right-of-way 10.13 feet to a point; thence run N 89-16-25 West along said road right-of-way 1,842.00 feet to a point of intersection with the easterly right-of-way of U.S. Highway 41; thence run N 14-54-52 West along said U.S. Highway 41 right-of-way 2,469.57 feet to a point; thence on a curve to the left, having a start tangent bearing of N 17-15-11 West, a radius of 5,789.58 feet, an arc length of 563.74 feet and an end tangent bearing of N 22-49-55 West; thence run S 89-31-49 East 116.99 feet to a point; thence run N 00-17-11 East 463.78 feet to a point; thence run N 26-39-12 West 364.19 feet to a point; thence run S 89-24-01 East 45.00 feet to a point; thence run N 26-39-12 West 245.01 feet to a point; thence run N 89-24-10 West 384.01 feet to a point on the Westerly right-of-way of U.S. Highway 41; thence run N 26-39-12 West along said highway right-of-way 1,181.90 feet to a point; thence on a curve to the right having a start tangent of N 35-13-42 West, a radius of 1,849.86 feet, an arc length of 276.85 feet and an end tangent bearing of N 26-39-12 West; thence run S 89-22-01 East 580.67 feet to a point; thence run N 00-16-00 East 524.88 feet to a point; thence run S 89-59-50 West 200.00 feet to a point; thence run N 00-16-00 East 183.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 263.00 feet to a point; thence run S 89-59-50 West 225.00 feet; thence run N 00-16-00 East 218.00 feet to a point; thence run S 89-59-50 West 150.00 feet to a point; thence run N 00-16-00 East 228.00 feet to a point; thence run S 89-59-50 West

thence on a curve to the right having a start tangent bearing of N 89-25-33 West, a radius of 1,096.00 feet, an arc length of 1,717.97 feet, and an end tangent bearing of N 00-23-02 East; thence run N 00-26-26 East along said highway right-of-way 845.27 feet to the Point of Beginning.

Containing 50.88 acres, more or less

PARCEL "D"

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East along the North boundary of said Section 6; 1,363.17 feet to the centerline of the Seaboard Coastline Railroad; thence run S 00-13-22 West along said centerline 350.01 feet to a point; thence run South 89-25-33 East 75.00 feet to the East right-of-way line of said railroad for a Point of Beginning; from said Point of Beginning run S 89-25-33 East 1,400.00 feet to a point; thence run S 00-34-27 West 200.00 feet to a point; thence run S 89-25-33 East 600.00 feet to a point; thence run S 00-34-27 W, 500.00 feet to a point; thence run S 51-01-08 West 693.71 feet to a point; thence run S 73-17-58 West 258.58 feet to a point; thence run S 20-57-33 West 599.72 feet to a point; thence run S 44-58-15 West 369.15 feet to a point; thence run S 89-16-34 East 409.86 feet to a point; thence run S 00-43-26 West 250.01 feet to a point on the North right-of-way line of DeSoto Road; thence run N 89-16-34 West 1,171.53 feet to the easterly right-of-way line of the Seaboard Coastline Railroad; thence run N 00-13-22 East along said railroad right-of-way 1,276.21 feet to a point; thence run S 80-43-36 East along said right-of-way 25.00 feet to a point; thence run N 00-13-22 East along said right-of-way 966.20 feet to the Point of Beginning.

Containing 73.75 acres, more or less.

PARCEL 108

Commence at the Northwest corner of Section 6, Township 36 South, Range 18 East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,001.80 feet to a point; thence run S 00-34-27 West 433.68 feet to the Point of Beginning; thence run S 89-48-25 East 103.97 feet to a point; thence run S 00-34-27 West 66.92 feet to a point; thence run N 89-25-33 West 97.98 feet to a point; thence run N 00-34-27 East 66.27 feet to a point; thence run N 89-49-33 West 5.99 feet to the Point of Beginning.

Containing 6,524.87 Square feet, more or less.

PARCEL 109

Commence at the Northwest corner of Section 6, Township 36 South, Range 18



East, Sarasota County, Florida; thence run S 89-25-33 East 1,438.52 feet to a point; thence run S 00-34-27 West 50.00 feet to the Southerly right-of-way line of U.S. Highway 301; thence run S 89-25-33 East along said highway right-of-way 2,566.84 feet to a point; thence run S 00-34-27 West 500.00 feet to a point; thence run N 89-25-33 West 264.96 feet to the Point of Beginning; thence run N 89-25-33 West 144.00 feet to a point; thence run N 00-34-27 East 67.90 feet to a point; thence run S 89-49-33 East 144.00 feet to a point; thence run S 00-34-27 West 68.91 feet to the Point of Beginning.

Containing 9,850.53 square feet, more or less.

Exhibit "B"

Conditions of Approval for the  
Sarasota-Bradenton Airport New  
Terminal Complex Development of  
Regional Impact

A. General

1. Any development plans for this airport facility not specifically enumerated in the ADA and covered by Sarasota County Development Order for the Sarasota-Bradenton Airport New Terminal Complex DRI shall be consistent and coordinated with the West Central Florida Metropolitan Aviation Air Systems Plan and Southwest Florida Regional Aviation Systems Plan.
2. Elevations for all buildings and permanent equipment shall be at or above the base flood elevation.

B. Water Quality and Drainage

1. Because the stormwater discharge facilities will receive stormwater from areas which are a potential source of oils and grease (jet fuel) contamination in concentrations exceeding applicable water quality standards, these facilities shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oils and greases from discharging to the Class II waters of Sarasota Bay.
2. Swales shall be designed to percolate 80 percent of the runoff resulting from a three-year, one-hour design storm within 72 hours after a storm event, assuming average antecedent conditions.
3. Permanently wet retention and detention basins shall be constructed with side slopes that are no steeper than 4:1 (horiz.: vert.) out to a depth of two feet below the control elevation.
4. All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation in the basins. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediments on-site.
5. The filtration system in retention facility "D" shall be designed with a safety factor of at least two and shall incorporate an approved underdrain filter media suitable for long-term pollutant absorption.
6. The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick-up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
7. The Airport Authority shall assume all maintenance responsibilities for the stormwater system. Once the stormwater maintenance program is approved, the Airport Authority shall submit an annual monitoring report for review to the DER, SWFWMD, Pollution Control Department, and the Public Transportation Department of all applicable local governments. The first monitoring report shall be submitted with the annual report, with further reports submitted annually until build-out of the project.
8. Drainage infrastructure improvements constructed before the Section 380.06, F.S. review if completed shall be at the developer's risk and shall not vest subsequent development rights.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 6/1/89  
NAREN E RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Paula L. Lintomano  
DEPUTY CLERK

9. Measures shall be instituted to design, construct and maintain those parts of the project to protect water quantity in compliance with TBRPC's Stormwater and Lake System Maintenance and Design Guidelines, (1978).
10. The Sarasota-Manatee Airport Authority shall be responsible for the routine maintenance of all open space areas within the project site, including retention/detention areas and the perimeter ditch.

C. Solid Waste

1. Separate hazardous waste storage areas within the project shall be provided. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR Part 261).

The Authority shall provide to all businesses information that:

- Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
- Indicate the location of the specially-designated hazardous waste and materials containers/areas; and
- Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

The Authority shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 6/1/89  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY Paula M. Hestman  
DEPUTY CLERK

Exhibit "B" (page 2 of 2)

R89-151