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MANATEE COUNTY
FLORIDA

February 18, 2011

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

Re: SB 1752 – Extension Request
University Commons DRI # 19
Z-89-46(G)(R11)/ORD-08-57(EXT)
DTS # 20100397

Dear Darenda:

You have applied for extensions of your development approvals under SB1752 relative to the University Commons Development of Regional Impact (DRI). Manatee County has determined that if the original deadlines were within the time period from September 1, 2008 and January 1, 2012 and if you make a proper application and meet the other requirements of the law, then the deadlines are extended for two years under the original SB 360 and an additional two years under SB 1752. As you have made an application and the development otherwise qualifies, your deadlines have been extended as follows, with the dates set forth below reflecting the original SB 360 extension and the SB 1752 additional extension:

- The Buildout date for Phase II currently expires on 09/14/2013. With the two additional two year extension, the Buildout date for Phase II will now have an expiration date of 09/14/2015.

Please accept this letter as confirmation of the extension. We have made similar extensions for non-DRI developments and do not want the DRIs to be at any competitive disadvantage. At the next NRPC for your DRI, the Development Order and Zoning Ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files.

Sincerely,


Robert Schmitt, AICP
Planning Division Manager

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

Planning Department

Mailing Address: P. O. Box 1000 * Street Address: 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34206-1000

PHONE: 941.749.3070 * FAX: 941.749.3071

www.mymanatee.org



MANATEE COUNTY FLORIDA

October 23, 2009

Darenda Marvin, AICP
Senior Planner
Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano
1023 Manatee Avenue West
Bradenton, FL 34205

Re: University Commons, DRI #19 – Request for Extension Based on Senate Bill 360

Dear Darenda:

Your request to extend the buildout date for the University Commons DRI is hereby granted. Pursuant to Senate Bill 360 the University Commons DRI (Ordinance 08-57) and its associated Zoning Ordinance [Z-89-46(G)(R11)] are eligible for a two year extension.

The Buildout Date for Phase II currently expires 09/14/2011. With the two year extension, the Buildout Date for Phase II will now have an expiration date of 09/14/2013.

Please keep a copy of this letter for your records.

Please contact Lisa Barrett at (941) 748-4501, ext. 6884 if you have any questions regarding this matter.

Sincerely,

Doug Means, Planning Division Manager
Planning Department

c: Records file
John Meyer, DRI Coordinator, TBRPC

517 8 1001
Planning Department
Mailing Address: P.O. Box 1000 * Street Address: 1112 Manatee Ave. W. 4th Floor, Bradenton, FL 34205
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#190

Certified Mail # 7006 0810 0002 8723 1564

August 21, 2008

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

Re: Development Order for University Commons DRI #19

Dear Mr. Meyer:

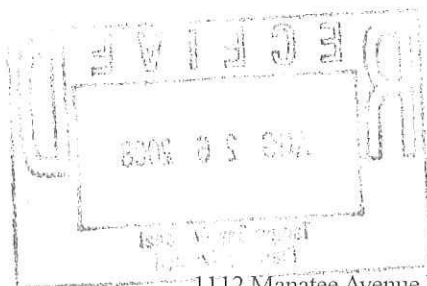
Enclosed is a certified copy of Ordinance 08-21, the DRI Development Order for University Commons DRI #19, as adopted in open session by the Manatee County Board of County Commissioners on August 5, 2008, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enclosure



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

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

ORDINANCE 08-57

DRI #19 UNIVERSITY COMMONS

FILED FOR RECORD
R. B. SHORE

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CLERK OF THE DISTRICT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on April 25, 2000, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-27) for the University Commons DRI, to simultaneously increase and decrease certain land use totals, revise and change conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle Avenue, replace the required transportation improvements entirely, and modify a number of definitions and conditions of approval; and

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CLERK OF THE DISTRICT COURT
MANATEE COUNTY, FLORIDA

WHEREAS, on December 19th, 2000, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-52) for the University Commons DRI, to increase commercial development and eliminate the hotel use, to amend Map H to add an access point to University Parkway, and amend the Development Order to be internally consistent with the changes proposed by the applicant; and

WHEREAS, on March 12th, 2002, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 02-19) for the University Commons DRI, for a simultaneous increase in commercial development and eliminate office use, add an access point to Tuttle Avenue and University Parkway, eliminate an access point connecting the Walmart Shopping Center to Lakeridge Falls Subdivision, amend the Development Order to be internally consistent with changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, on June 22, 2004, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 04-47) for the University Commons DRI, to delete driveway access point "Q" on Tuttle Avenue; adjust land areas for commercial and residential uses west of Tuttle Avenue; amend Table I to exchange senior housing units and a group care facility for multi-family dwelling units; amend the Development Order to update definitions, terminology, departmental references, and other minor changes for internal consistency; and

WHEREAS, on March 1, 2007, Wal-Mart Stores East, LP, and University Parkway Associates filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposes to modify Map H to show existing access points for the shopping center; increase allowable commercial uses by 22,849 square feet; modify internal circulation; extend the build-out and expiration dates for the project; and other minor changes for internal consistency; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on August 5th, 2008 held a duly a noticed public hearing on the NOPC to amend and replace Ordinance 04-47 and has solicited, received, and considered all testimony, reports, comments, evidence, and

recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinances 93-54, 99-38, 00-27, 00-52, 02-19, and 04-47.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance and General Development Plan to reflect the changes proposed in this NOPC.
- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on July 10th, 2008 following public hearing.
- E. The Board of County Commissioners held a public hearing on August 5, 2008 regarding the NOPC and proposed Zoning Ordinance and General Development Plan amendments, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer*" submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

- J. The authorized agent for the Developer* is Mark P. Barnebey, Esq., of Kirk-Pinkerton, P.A., and his address is 1301 6th Avenue West, Suite 401, Bradenton, FL 34205.
- K. The owners of the property and the Developer*, are University Parkway Associates, Ltd., Cambridge 950 Corporation, Health Care REIT, Inc., University Walk, L.L.C., Centex Homes, Inc., University Commons Land Development LLC, Wal-Mart Stores East, L.P. and University Parkway Associates.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region (A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 04-47 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsections 380.06(19)(e)3, Florida Statutes, the Developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on March 1, 2007 and approved pursuant to Ordinance 08-57 are Substantial Deviations.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development*, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The entire project has been reviewed against the Manatee County Concurrency requirements and has been found to be in compliance, subject to the terms outlined within this Development Order.

TABLE 1
DEVELOPMENT* LAND AREA AND USES

Column A	Column B	Column C	Column D	Column E	Column F
Land Use	Phase I 1992-(2003) ⁴	Phase II 1998- (2011) ⁴	Total Sq. Ft.	Total Units	Acres
Residential Units	400 ^{3 5}	383 ³		783	212.4 ⁵
Skilled Nursing (Service) ¹	120 beds			120 beds	9.2
Commercial ² (Retail)	250,000 sq. ft.	203,289 * sq.ft. Gross leasable (247,849 sq. ft. area with canopies)	443,289 sq. ft. Gross leasable (497,849 sq. ft. area with canopies)		64.07
Office (Office)		10,000 sq.ft.*	10,000 sq.ft.*		1.93

- 1 Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.
- 2 Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. 18,289 square feet of commercial and 4,560 square feet of canopy approved to be added to Phase II with this revision (Ord. 08-57) will be at the existing shopping center on the 30± acre commercial site shown at the southeast corner of the Project* as identified on Map H.
- 3 Phase I residential consists of 150 single-family units, 150 single-family attached units, and 100 single-family semi-detached units. Phase II residential consists of 383 multi-family units.
4. Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.
5. The approved number of single-family attached or semi-detached units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 single-family units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 single-family attached or semi-detached units, and provided that the Developer* obtain an amended CLOS to verify that there are adequate levels of service to accommodate this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI or within 200 feet of any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.
6. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in previous Exhibit "A" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference herein after referred to as the Technical Memorandum, Land Use Changes,

University Commons demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.

7. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

* The maximum commercial space allowed shall be 203,289 square feet less any space approved for office use. At least 10,000 square feet of commercial uses may be developed as office per Z-89-46(C)(R-7), Stipulation U.(1).e.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, the NOPC submitted on September 25, 2001, the revised Map H dated March 12, 2002, and the NOPC submitted on March 22, 2004, the revised Map H dated March 21, 2008, and the NOPC submitted on April 3, 2008.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- D. "Developer" shall mean Cambridge 950 Corporation, Health Care REIT, Inc., University Walk L.L.C., and Centex Homes, Inc., University Commons Land Development LLC Wal-Mart Stores East, L.P., and University Parkway Associates, as well as the heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.

- G. "Funding Commitment", "Funding", "Funded", or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
1. existing topography;
 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.
- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- K. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J (Previous "Exhibit B" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Transportation Impact Area Map) which was based on data submitted with the Ordinance 00-27.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering

practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval, limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order, is approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2).
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water (FSP only), sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.
- A.(3) Phase I is approved until September 14, 2003. Phase II is approved until September 14, 2011. The extension to Phase II is granted pursuant to Section 380.06(19)c. of the Florida Statutes which allows an automatic 3 year extension for phases within a DRI that are under active construction.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2011.

Transportation

- B.(1) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

- (a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted*unless constructed by the County pursuant to the CIP (Completed).
2.	Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB. Signalize when MUTCD Warranted*.Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal. (Completed)
3.	Intersection "A"/"D", Tuttle Avenue at South Project Drive N/A		N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.***
4.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue. (Completed)
5.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB. (CIP Project) (Completed)
6.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right -turn lane NB, & 1 right-turn lane WB. (Completed)

*** The South Bound Right turn lane at D (Intersection A/D as shown on Map H) shall be constructed prior to:

- a) any future approvals for Commercial Parcel #1 (on the 7.6 acre commercial site as identified on Map H) west of Tuttle Avenue, or
- b) any future approvals for Commercial Parcel #5 (on the 7.6 acre commercial site as identified on Map H) west of Tuttle Avenue,

And

- a) any future development on the west side of Tuttle Avenue for University Commons DRI.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement. (Completed with prepayment of Impact Fees 8/31/00)

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) (Completed)
4. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota--Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Table 2 above) are operating at or above Level of Service D at peak hours (peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.
- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in

accordance with legally mandated procedures and time frames. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.

- B.(5) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the entire western parcel within 90 days of the approval of Ordinance 02-19 (March 12, 2002). (Completed for the western 536 feet, as recorded in O.R. BK. 1898, PGS 1124 - 1130).
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E , as shown on the GDP. (Completed) A cross access easement shall be provided from the 7.6 commercial site to Broadway Avenue. (Completed)
- B.(7) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road. (Completed)
- B.(8) Developer* shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way. (Completed)
- B.(9) The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast quadrant of the intersection of University Parkway and Tuttle Avenue. (Completed)
- B.(10) The Developer* may, if permitted by Interlocal Agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northwest quadrant of the intersection of University Parkway and Tuttle Avenue. If the Interlocal Agreement is not amended by both Manatee and Sarasota Counties, and Section 741 of the Land Development Code is not amended by Manatee County to allow 2 or more access points on University Parkway between Shade and Tuttle Avenues prior to Preliminary Site Plan approval for any site west of Tuttle Avenue, then the right-in/right-out access on University Parkway west of Tuttle Avenue shall be relocated to the western boundary of the westernmost parcel of University Commons and depicted as such on all future site plan approvals. (Completed)

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-2 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.
- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principles as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 68A-27.003 through 68A-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the County, and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, County, and DCA for review and approval.

- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as previous Exhibit "D" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Map H.
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by the County. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 - year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 - hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in

compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:

- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
 - (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to the County for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

- H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
- use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - obtain energy audits provided by energy companies or other qualified agencies;
 - install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - institute and utilize recycling programs;
 - utilize energy efficient packaging or recyclable materials; and
 - install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) Capacity for wastewater capacity shall be determined at time of Final Site Plan/Construction Plan approval.

- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.
- The Developer*, at its option, may exceed these requirements.
- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See previous Exhibit "E" of Ordinance 00-27 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as the Manatee County Sewer Use Ordinance, Ord. 92-28).
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total

cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.
-OR-
- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.
-OR-
- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility). Completed

Water

- M.(l) Capacity for Potable water shall be determined at time of Final Site Plan/Construction Plan approval.

- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
 - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(I) The County has determined that there exists adequate solid waste capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002 .

- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law. (Completed)
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.(Completed)
- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;

- d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286.5 acres currently owned by University Parkway Associates, Limited, Centex Homes, Inc., University Walk, L.L.C., Health Care REIT, Inc., Cambridge 950 Corporation, University Commons Land Development LLC, Wal-Mart Stores East, L.P., and University Parkway Associates and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2011, the County could not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County could demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

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

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

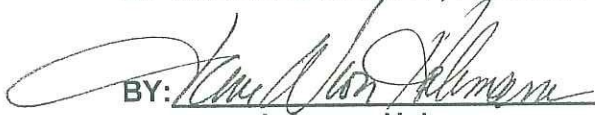
This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 04-47 during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

ADOPTED AND APPROVED with a quorum present and voting the 5th day August, 2008.

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

BY: 

**Jane von Hahmann
CHAIRMAN**

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

BY: 
DEPUTY CLERK



EXHIBITS ATTACHED

EXHIBIT F - Legal Description

EXHIBIT D - Map H (Revised March 21, 2008)

Exhibit "F"

UNIVERSITY COMMONS LEGAL DESCRIPTION

DESCRIPTION: PARCEL A

A TRACT OF LAND IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.E. CORNER OF SAID SECTION 32, RUN N 00° 48' 04" E, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 173.01 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE WEST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: N 89° 15' 10" W, A DISTANCE OF 21.58 FEET; THENCE N 89° 36' 09" W, A DISTANCE OF 1042.96 FEET; THENCE N 00° 34' 27" E, A DISTANCE OF 2480.38 FEET TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE S.E. ¼ OF SAID SECTION 32; THENCE S 89° 37' 00" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1074.38 FEET TO THE AFORESAID WEST RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00° 48' 04" W, A DISTANCE OF 2480.82 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 60.90 ACRES, MORE OR LESS.

SECTION 33-35-18 BOUNDARY

DESCRIPTION PARCEL B

A TRACT OF LAND IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF SAID SECTION 33, RUN N 00° 48' 04" E, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 173.01 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE N 00° 48' 04" E, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 2506.06 FEET TO THE NORTH LINE OF THE S.W. ¼ OF SAID S.W.

CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00°49'13" E, A DISTANCE OF 1340.13 FEET TO THE N.W. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89°18'06" E, A DISTANCE OF 654.87 FEET TO THE N.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 00°50'21"W, A DISTANCE OF 1340.15 FEET TO THE S.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89°18'01" E, A DISTANCE OF 654.42 FEET TO THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SAID SECTION 33; THENCE S 00°51'30" W, ALONG THE LINE OF THE SAID N.W. 1/4 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4, A DISTANCE OF 617.27 FEET TO THE INTERSECTION OF AN EXISTING FENCE LINE; THENCE S 80°09'44"E, ALONG SAID FENCE LINE, A DISTANCE OF 636.99 FEET; THENCE S 89°07'22"E, A DISTANCE OF 5.00 FEET TO THE WEST MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES; S 00°52'38" W, A DISTANCE OF 262.71 FEET; THENCE S 01°27'01" W, A DISTANCE OF 162.01 FEET; THENCE N 89°15'10" W, A DISTANCE OF 652.60 FEET; THENCE S 50°31'00"W, A DISTANCE OF 528.04 FEET; THENCE S 00°44'50"W, A DISTANCE OF 1017.53 FEET TO THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE N 89°15'10" W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1502.46 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 126.41 ACRES, MORE OR LESS.

PARCEL C
DESCRIPTION: AS FURNISHED

THE NORTH 215 FEET OF THE SOUTH 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

FROM THE N.E. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00°52'38" W, ALONG THE EAST LINE OF SAID S.W. 1/4 A DISTANCE OF 335.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°52'38" W, ALONG SAID EAST LINE, A DISTANCE OF 218.30 FEET; THENCE N 89°18'01" W, A DISTANCE OF 654.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°51'30" E, A DISTANCE OF 218.30 FEET; THENCE S 89°18'01" E, A DISTANCE OF 654.29 FEET TO THE POINT OF BEGINNING. LESS AND

Exhibit "F"

EXCEPT THE MAINTAINED RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD.
LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST,
MANATEE COUNTY, FLORIDA.

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

CONTAINING 3.28 ACRES, MORE OR LESS.

PARCEL D
DESCRIPTION: AS FURNISHED

FROM THE SOUTHEAST CORNER OF THE N.E. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE
S.W. $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN NORTH
ALONG EAST LINE OF SAID N.E. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$, 115 FEET TO A
POINT; THENCE RUN WEST 660 FEET TO A POINT ON THE WEST LINE OF
SAID N.E. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$; THENCE RUN SOUTH 62.1 FEET TO A
POINT 52.9 FEET NORTH OF THE S.W. CORNER OF SAID N.E. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF
S.W. $\frac{1}{4}$; THENCE RUN SOUTHEASTERLY 320.594 FEET TO A POINT ON THE
SOUTH LINE OF SAID N.E. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ WHICH IS 316.2 FEET EAST
OF THE SOUTHWEST CORNER THEREOF; THENCE CONTINUE
SOUTHEASTERLY 322.414 FEET TO A POINT ON THE WESTERLY RIGHT OF
WAY OF LOCKWOOD RIDGE ROAD WHICH IS 48.13 FEET SOUTH OF THE
SOUTH LINE OF SAID N.E. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$; THENCE CONTINUE
SOUTHEASTERLY ON THE SAME LINE TO THE EASTERLY LINE OF THE S.E.
 $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF S.W. $\frac{1}{4}$ OF SAID SECTION, WHICH IS ALSO THE CENTERLINE
OF LOCKWOOD RIDGE ROAD; LESS AND EXCEPT THE RIGHT OF WAY OF
LOCKWOOD RIDGE ROAD.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE
UNDERSIGNED

BEGINNING AT THE S.E. CORNER OF THE N.E. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE
S.W. $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN
N $00^{\circ} 52' 38''$ E, ALONG THE EAST LINE OF SAID S.W. $\frac{1}{4}$, A DISTANCE OF 116.76
FEET; THENCE N $89^{\circ} 18' 01''$ W, A DISTANCE OF 654.22 FEET TO THE WEST
LINE OF SAID N.E. $\frac{1}{4}$ OF THE N.E. $\frac{1}{4}$ OF THE S.W. $\frac{1}{4}$; THENCE S $00^{\circ} 51' 30''$ W,
ALONG SAID WEST LINE, A DISTANCE OF 63.91 FEET; THENCE S $80^{\circ} 09' 44''$ E,
A DISTANCE OF 636.99 FEET; THENCE S $89^{\circ} 07' 22''$ E, A DISTANCE OF 5.00
FEET; THENCE S $89^{\circ} 52' 14''$ E, A DISTANCE OF 19.98 FEET TO THE EAST LINE
OF SAID S.W. $\frac{1}{4}$; THENCE N $00^{\circ} 52' 38''$ E, A DISTANCE OF 48.13 FEET TO THE
POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF WAY FOR
LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION 33, TOWNSHIP 35
SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

Exhibit "F"

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

PARCEL E

THE S.W. ¼ OF THE S.W. ¼ OF THE N.W. ¼ OF SECTION 33, TOWNSHIP
35 SOUTH, RANGE 18 EAST, LESS A STRIP OF LAND 42 FEET WIDE OFF THE
WEST SIDE OF SAID PARCEL FOR RIGHT OF WAY PURPOSES, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE N.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST, RUN S 00° 48' 04" W, ALONG THE WEST LINE OF SAID
SECTION 33, A DISTANCE OF 2680.24 FEET TO THE S.W. CORNER OF THE
N.W. ¼ OF SAID SECTION 33; THENCE S 89° 18' 01" E, A DISTANCE OF 42.00
FEET TO THE POINT OF BEGINNING, ALSO BEING THE EASTERLY RIGHT OF
WAY LINE OF TUTTLE AVENUE; THENCE CONTINUING S 89° 18' 01" E,
ALONG THE SOUTH LINE OF THE N.W. ¼ OF SAID SECTION 33, A DISTANCE
OF 612.22 FEET TO THE S.W. CORNER OF THE EAST ½ OF THE S.W. ¼ OF THE
N.W. ¼ OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 670.07
FEET TO THE N.E. CORNER OF THE S.W. ¼ OF THE S.W. ¼ OF THE N.W. ¼;
THENCE N 89° 18' 05" W, A DISTANCE OF 612.44 FEET TO THE EASTERLY
RIGHT OF WAY OF TUTTLE AVENUE; THENCE S 00° 48' 04" E, ALONG SAID
RIGHT OF WAY LINE, A DISTANCE OF 670.06 FEET TO THE POINT OF
BEGINNING, LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 9.42 ACRES, MORE OR LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

BOUNDARY MEANING AFTER R/W DEDICATION FOR LOCKWOOD RIDGE
ROAD

DESCRIPTION:

FROM THE S.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST, RUN S 89° 15' 10" E, ALONG THE SOUTH LINE OF SAID
SECTION 33, A DISTANCE OF 1532.62 FEET; THENCE N 00° 44' 50" E, A
DISTANCE OF 173.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF
UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR
THE POINT OF BEGINNING; THENCE CONTINUE N 00° 44' 50" E. A DISTANCE
OF 1017.53 FEET; THENCE N 50° 31' 00" E, A DISTANCE OF 538.04 FEET;
THENCE S 89° 15' 10" E, A DISTANCE OF 614.22 FEET; THENCE S 00° 52' 38" W,

Exhibit "F"

A DISTANCE OF 1348.48 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SEVEN COURSES: S 57° 47' 43" W, A DISTANCE OF 31.82 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 01° 41' 47" W, AT A DISTANCE OF 5832.58 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 56' 58", A DISTANCE OF 96.65 FEET TO THE P.T. OF SAID CURVE; THENCE N 89° 15' 10" W, A DISTANCE OF 482.50 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 310.00 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 106.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 30.24 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

DESCRIPTION:

THE SOUTH ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO: THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

TOGETHER WITH: THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (BY THE UNDERSIGNED)

FROM THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID SOUTHEAST ¼ OF THE NORTHEAST ¼, A DISTANCE OF 520.00 FEET; THENCE N 89° 18' 06" W, A DISTANCE OF 19.46 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1155.23 FEET TO THE SOUTH LINE OF THE NORTH ½ OF THE

Exhibit "F"

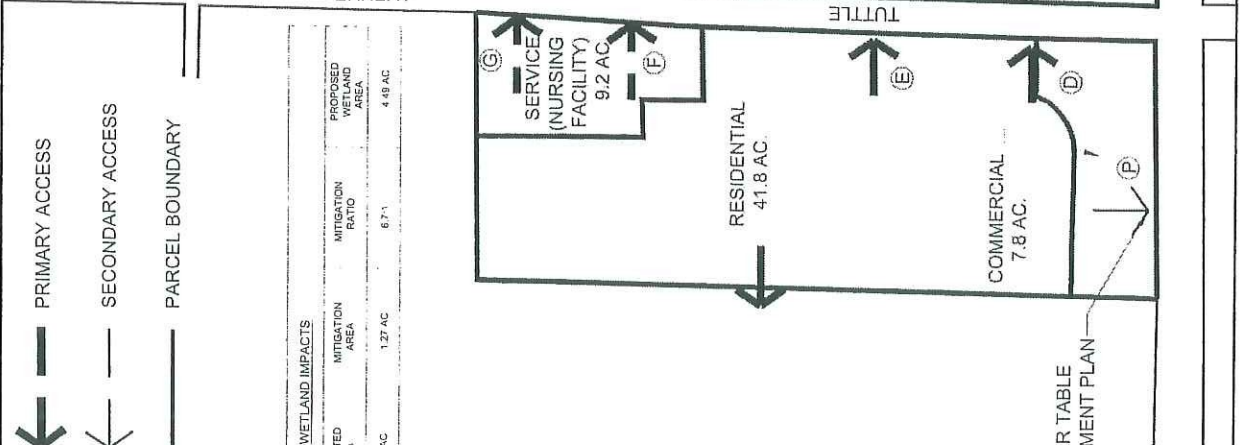
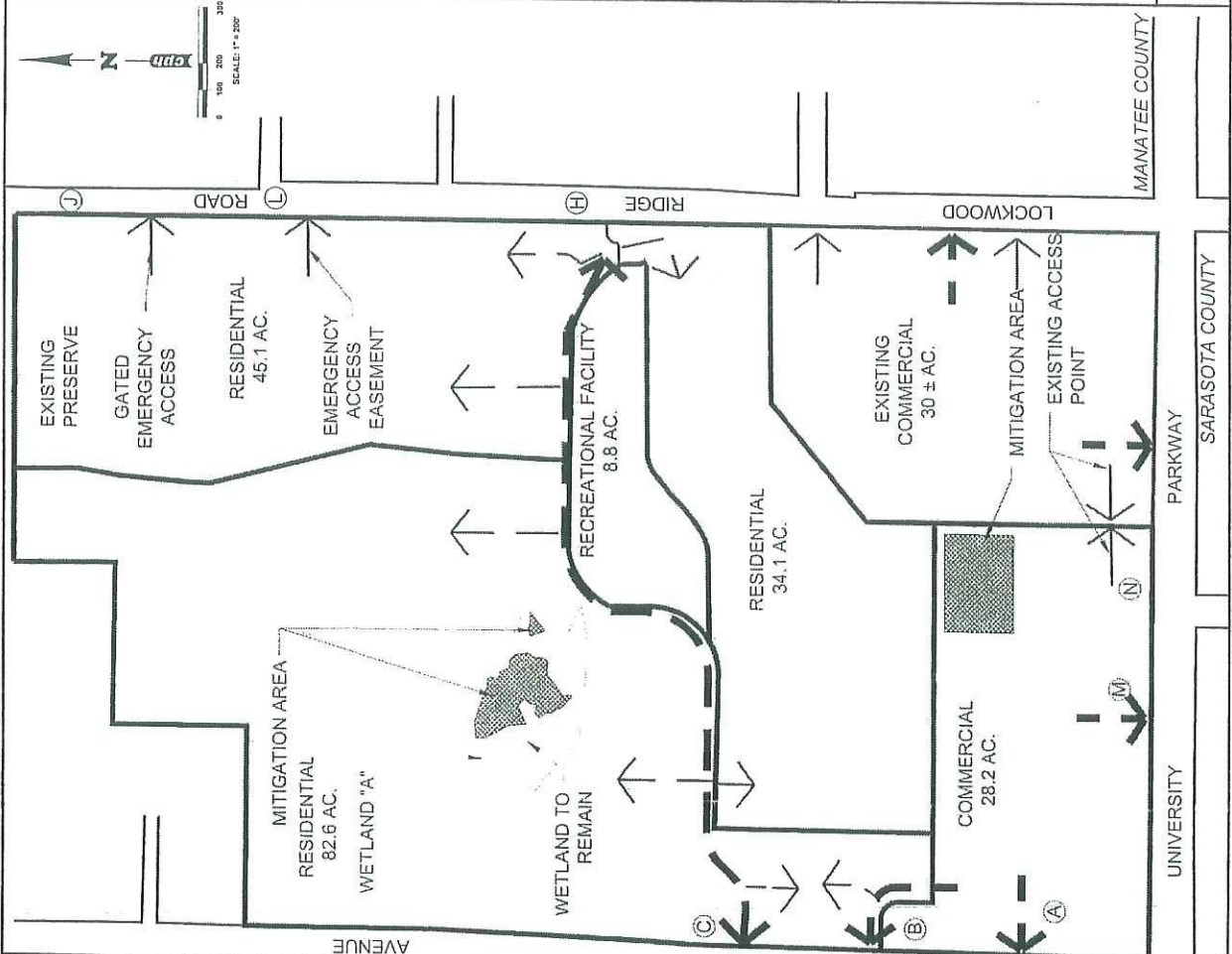
NORTH EAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 33; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 636.79 FEET; THENCE N 00° 51' 30" E, ALONG THE WEST LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 335.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 654.42 FEET TO THE WEST LINE OF SAID SOUTHEAST ¼ OF THE NORTHWEST ¼; THENCE N 00° 50' 21" E, ALONG SAID WEST LINE, A DISTANCE OF 1340.15 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, THENCE CONTINUING N 00° 50' 21" E, ALONG THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 335.04 FEET TO THE NORTHWEST CORNER OF THE SOUTH ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼; THENCE S 89° 18' 07" E, ALONG THE NORTH LINE OF THE SOUTH ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 1287.78 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00° 37' 11" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 445.05 FEET; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 410.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA.

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

CONTAINING 54.50 ACRES, MORE OR LESS.

Exhibit "F"

MASTER DEVELOPMENT EXHIBIT Designed by: DM Drawn by: DM Checked by: TS Approved by: JCF Date: 1-20-08 Scale: 1" = 200' File: W1231 Job No.: 0305		Revision By Date
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STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 21st day of AUGUST 2008
 R.B. SHORE
 Clerk of Circuit Court
Nancy Harris

STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 13th day of AUGUST 2008
 R.B. SHORE
 Clerk of Circuit Court
Nancy Harris



Sheet No. **EX-B**



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 18, 2007

Mark Barnebey
Kirk-Pinkerton
1301 6th Avenue West, Suite 401
Bradenton, FL 34205

Re: University Commons DRI – Extension of phase, buildout, and expiration dates

Dear Mr. Barnebey:

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

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

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

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

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

Manatee County Ordinance 04-47 is now amended to read as follows:

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development*, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The entire project has been reviewed against the Manatee County Concurrency requirements and has been found to be in compliance, subject to the terms outlined within this Development Order.

TABLE 1
DEVELOPMENT* LAND AREA AND USES

Column A	Column B	Column C	Column D	Column E	Column F
Land Use	Phase I 1992-(2003) ⁴	Phase II 1998-(2008-2011) ⁴	Total Sq.Ft.	Total Units	Acres
Residential Units	400 ^{3 5}	383 ³		783	212.4 ⁵
Skilled Nursing (Service) ¹	120 beds			120 beds	9.2
Commercial ² (Retail)	250,000 sq. ft.	185,000* sq.ft. Gross leasable (225,000 sq. ft. area with canopies)	425,000 sq. ft. Gross leasable (475,000 sq. ft. area with canopies)		64.07
Office (Office)		10,000 sq.ft.*	10,000 sq.ft.*		1.93

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(3) Phase I is approved until September 14, 2003. Phase II is approved until September 14, 2008 2011.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008 2011.

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

Sincerely,



Robert H. Pederson, AICP
Community Planning Administrator

RESOLUTION NO. R-07-180

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

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

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

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

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

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

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

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

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

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES.

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

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

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

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

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

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: 
Chairman of the Board of County
Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: 
Deputy Clerk



MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

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

ACTION DESIRED

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

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

ENABLING/REGULATING AUTHORITY

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

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

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

COUNTY ATTORNEY REVIEW

Check appropriate box

☐

REVIEWED

Written Comments:

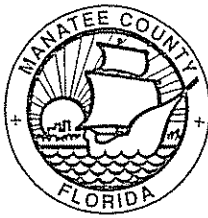
APPROVED IN OPEN SESSION

OCT 09 2007

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

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

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



MANATEE COUNTY GOVERNMENT

#190

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

July 9, 2004

Certified Mail # 7000 0600 0024 5577 1972

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

Re: Development Order for University Commons

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-47, the Development Order for the University Commons Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on June 22, 2004, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

FILED FOR RECORD
R. B. SHORE

ORDINANCE 04-47

2001 JUL -2 PM 4:19

DRI #19 UNIVERSITY COMMONS

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

FILED
2001 JUN 28 AM 10:49
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on April 25, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-27) for the University Commons DRI, to simultaneously increase and decrease certain land use totals, revise and change conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle Avenue, replace the required transportation improvements entirely, and modify a number of definitions and conditions of approval; and

WHEREAS, on December 19th, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-52) for the University Commons DRI, to increase commercial development and eliminate the hotel use, to amend Map H to add an access point to University Parkway, and amend the Development Order to be internally consistent with the changes proposed by the applicant; and

WHEREAS, on March 12th, 2002 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 02-19) for the University Commons DRI to allow a simultaneous increase in commercial development and eliminate the office use, add an access point to Tuttle Avenue and University Parkway, eliminate an access point connecting the Walmart Shopping Center (±30 acre commercial parcel) to the single-family semi-detached parcel, amend the Development Order to be internally consistent with the changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, on March 22, 2004, University Commons Land Development, L.L.C, filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposed to modify Map H and the Development Order to delete Driveway Access Point "Q" on Tuttle Avenue and adjust land areas for commercial and residential uses west of Tuttle Avenue by 0.2 acres, amend Table I of the Development Order to exchange 510 independent senior housing units and an 85 bed group care facility for 383 multi-family dwelling units which was approved with Ordinance 02-19, and amend the Development Order to update definitions, terminology, departmental references, and other minor changes for internal consistency; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on June 22, 2004 held a duly noticed public hearing on the NOPC to amend and replace Ordinance 02-19 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinances 93-54, 99-38, 00-27, 00-52, and 02-19.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance and General Development Plan to reflect the changes proposed in this NOPC.
- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on June 10, 2004 following public hearing.
- E. The Board of County Commissioners held a public hearing on June 22, 2004 regarding the NOPC and proposed Zoning Ordinance and General Development Plan amendments, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer* submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, Gladfelter, and Galvano, and his address is 1023 Manatee Avenue West, Bradenton, FL 34205.
- K. The owners of the property and the Developer*, are University Parkway Associates, Ltd., Cambridge 950 Corporation, Health Care REIT, Inc., University Walk, L.L.C., Centex Homes, Inc., and University Commons Land Development LLC.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region (A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 02-19 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsections 380.06(19)(e)3, Florida Statutes, the changes proposed pursuant to the NOPC submitted on March 22, 2004 and approved pursuant to Ordinance 04-47, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development*, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The entire project has been reviewed against the Manatee County Concurrency requirements and has been found to be in compliance, subject to the terms outlined within this Development Order.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A	Column B	Column C	Column D	Column E	Column F
Land Use	Phase I 1992-(2003) ⁴	Phase II 1998-(2008) ⁴	Total Sq.Ft.	Total Units	Acres
Residential Units	400 ³ ⁵	383 ³		783	212.4 ⁵
Skilled Nursing (Service) ¹	120 beds			120 beds	9.2
Commercial ² (Retail)	250,000 sq. ft.	185,000* sq.ft. Gross leasable (225,000 sq. ft. area with canopies)	425,000 sq. ft. Gross leasable (475,000 sq. ft. area with canopies)		64.07
Office (Office)		10,000 sq.ft.*	10,000 sq.ft.*		1.93

- 1 Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.
- 2 Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements.
- 3 Phase I residential consists of 150 single-family units, 150 single-family attached units, and 100 single-family semi-detached units. Phase II residential consists of 383 multi-family units.
- 4 Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.
- 5 The approved number of single-family attached or semi-detached units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 single-family units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 single-family attached or semi-detached units, and provided that the Developer* obtain an amended CLOS to verify that there are adequate levels of service to accommodate this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI or within 200 feet of any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.

- The maximum commercial space allowed shall be 185,000 square feet less any space approved for office use. At least 10,000 square feet of the 185,000 square feet of commercial must be developed as office per Z-89-46(C)(R-7), Stipulation U.(1).e.
- 1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in previous Exhibit "A" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference herein after referred to as the Technical Memorandum, Land Use Changes, University Commons demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
- 2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, the NOPC submitted on September 25, 2001, the revised Map H dated March 12, 2002, and the NOPC submitted on March 22, 2004.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements

Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.

- D. "Developer" shall mean Cambridge 950 Corporation, Health Care REIT, Inc., University Walk L.L.C., and Centex Homes, Inc., University Commons Land Development LLC, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment", "Funding", "Funded", or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 - 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.

- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- K. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J (Previous "Exhibit B" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Transportation Impact Area Map) which was based on data submitted with the Ordinance 00-27.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval, limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order, is approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2).
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water (FSP only), sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.

- A.(3) Phase I is approved until September 14, 2003. Phase II is approved until September 14, 2008.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(I) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted*unless constructed by the County pursuant to the CIP (Funded).
2.	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3.	Intersection "B"/"E",Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-tun lane NB, SB & WB. Signalize when MUTCD Warranted*.Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal.
4.	Intersection "A"/"D", Tuttle Avenue at			

	South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.
5.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue.
6.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB. (CIP Project)
7.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right -turn lane NB, & 1 right-turn lane WB. (Complete)

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement. (Completed with prepayment of Impact Fees 8/31/00)

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) (Completed)
4. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Table 2 above) are operating at or above Level of Service D at peak hours (peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic

analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and time frames. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the entire western parcel within 90 days of the approval of Ordinance 02-19 (March 12, 2002). (Completed for the western 536 feet, as recorded in O.R. BK. 1898, PGS 1124 - 1130).
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E, as shown on the GDP. (Completed) A cross access easement shall be provided from the 7.68 commercial site to Broadway Avenue.
- B.(7) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road. (Completed)
- B.(8) Developer* shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way. (Completed)
- B.(9) The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast quadrant of the intersection of University Parkway and Tuttle Avenue. (Completed)

- B.(10) The Developer* may, if permitted by Interlocal Agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northwest quadrant of the intersection of University Parkway and Tuttle Avenue. If the Interlocal Agreement is not amended by both Manatee and Sarasota Counties, and Section 741 of the Land Development Code is not amended by Manatee County to allow 2 or more access points on University Parkway between Shade and Tuttle Avenues prior to Preliminary Site Plan approval for any site west of Tuttle Avenue, then the right-in/right-out access on University Parkway west of Tuttle Avenue shall be relocated to the western boundary of the westernmost parcel of University Commons and depicted as such on all future site plan approvals. (Completed)

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-2 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas

shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.

- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principles as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 68A-27.003 through 68A-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the Environmental Management Department ("EMD"), and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, EMD, and DCA for review and approval.
- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as previous Exhibit "D" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Map H.
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical

Resources. Non-compliance with Condition F.(I) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(I) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.

- (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to EMD for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

- H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, EMD, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
 - o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - o promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- o institute and utilize recycling programs;
- o utilize energy efficient packaging or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:

- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
- (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
- (c) Wet wells to contain sewage line surcharges/overflows.
- (d) Emergency by-pass pumpouts for tank trucks.
- (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See previous Exhibit "E" of Ordinance 00-27 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as the Manatee County Sewer Use Ordinance, Ord. 92-28).
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.
- OR-
- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement

Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility). Completed

Water

- M.(1) The County has determined that there exists adequate water capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
 - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law. (Completed)
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the

development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.(Completed)

- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.

General Conditions

- T.(l) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the

- commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order.

These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286.5 acres currently owned by University Parkway Associates, Limited, Centex Homes, Inc., University Walk, L.L.C., Health Care REIT, Inc., Cambridge 950 Corporation, and University Commons Land Development LLC and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County could not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County could demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

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

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-19 during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

ADOPTED AND APPROVED with a quorum present and voting the 22nd day June 2004 .

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



Chairman

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

By:

EXHIBITS ATTACHED

EXHIBIT F - Legal Description

EXHIBIT D - Map H

Exhibit F

COMMENCE at the Southwest corner of Section 33, Township 35 South, Range 18 East, (same being the Southeast corner of Section 32, Township 35 South, Range 18 East); thence S.89°14'43"E., along the South line of Section 33 (Township Line), 1532.42 feet; thence N.00°49'17"E., a distance of 173.00 feet to the intersection with the North Right-of-Way line of University Parkway (County Line Road) as described and recorded in Official Records Book 974, Page 128, Public Records of Manatee County, Florida, for a POINT OF BEGINNING, said point lying at the Southwest corner of that certain parcel of land as described and recorded in Official Records Book 1200, Page 3224, said Public Records; thence run the following courses along the Westerly lines of said certain parcel of land: N.00°45'17"E., 1017.42 feet; thence N.50°31'27"E., 538.04 feet; thence S.89°14'43"E., along the Northerly line of said certain parcel of land and the Easterly extension thereof, a distance of 674.04 feet to the intersection with the East line of the Southwest 1/4 of said Section 33; thence N.00°52'38"E., along said East line, a distance of 1143.03 feet to the Northeast corner of said Southwest 1/4 (same being the Southeast corner of the Northwest 1/4 of said Section 33); thence continue N.00°52'38"E., along the East line of said Northwest 1/4, 1675.03 feet; thence N.89°15'35"W., a distance of 60.00 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ONTARIO, a Land Condominium, as described and recorded in Condominium Book 23, Pages 58 through 62, aforesaid Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ONTARIO, a distance of 947.69 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ST. CHARLES, a Land Condominium, as described and recorded in Condominium Book 24, Pages 145 through 148, said Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 302.20 feet; thence S.00°50'04"W., along the Easterly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 335.01 feet; thence N.89°20'24"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, a distance of 327.64 feet to the Southeast corner of HUNTER'S GROVE, a Subdivision, as described and recorded in Plat Book 25, Pages 116 through 119, said Public Records; thence continue N.89°20'24"W., along the Southerly line of said HUNTER'S GROVE, a distance of 327.33 feet to the Northeast corner of OAKWOOD ACRES; a Subdivision, as described and recorded in Plat Book 19, Page 113, said Public Records; thence S.00°49'16"W., along the Easterly line of said OAKWOOD ACRES, 669.52 feet; thence N.89°16'52"W., along the Southerly line of said OAKWOOD ACRES, and the Westerly extension thereof, a distance of 654.44 feet to the intersection with the West line of aforesaid Northwest 1/4 of Section 33; thence S.00°48'04"W., along said West line, a distance of 670.52 feet to the Southwest corner of said Northwest 1/4, (same being the Northwest corner of the Southwest 1/4 of Section 33); thence S.89°17'09"E., along the North line of said Southwest 1/4, a distance of 33.00 feet to the intersection with the East Right-of-Way line of Tuttle Avenue as described and recorded in Official Records Book 1390, Page 4268, said Public Records; thence run the following

CONTINUED

courses along said East Right-of-Way line: S.00°48'04"W., a distance of 25.05 feet to the Point of Curvature (P.C.) of a curve concave to the West, having a radius of 12160.40 feet; thence run Southerly along the arc of said curve, through a central angle of 03°01'41", a distance of 642.69 feet to the Point of Reverse Curvature (P.R.C.) of a curve concave to the East having a radius of 12094.40 feet; thence run Southerly, along the arc of said curve, through a central angle of 00°58'37", a distance of 206.19 feet to the intersection with the West line of said Southwest 1/4; thence continue Southerly, along the arc of said curve, through a central angle of 02°03'12", a distance of 433.46 feet to the Point of Tangency (P.T.) of said curve; thence S.01°15'49"W., 682.15 feet; thence S.88°44'11"E., 9.00 feet; thence S.01°15'49"W., a distance of 517.49 feet to the intersection with the aforesaid North right-of-Way line of University Parkway; thence S.89°14'43"E., along said North Right-of-Way line, a distance of 11.95 feet to the intersection with said West line of the Southwest 1/4; thence continue S.89°14'43"E., along said North Right-of-Way line, a distance of 1532.28 feet to the POINT OF BEGINNING.

LESS Rights-of-Way for Lockwood Ridge Road and Tuttle Avenue.

EAST PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E. (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E.); THENCE S 89°14'43" E, ALONG THE SOUTH LINE OF SECTION 33 (TOWNSHIP LINE), 1532.42 FT.; THENCE N 00°45'17" E, A DISTANCE OF 173.00 FT. TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING, SAID POINT LYING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1200, PAGE 3224, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG THE WESTERLY LINES OF SAID CERTAIN PARCEL OF LAND: N 00°45'17" E, 1017.42 FT.; THENCE N 50°31'27" E, 538.04 FT.; THENCE S 89°14'43" E, ALONG THE NORTHERLY LINE OF SAID CERTAIN PARCEL OF LAND AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 674.04 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 00°52'39" E, ALONG SOUTHWEST 1/4 (SAME BEING THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 33); THENCE CONTINUE N 00°52'39" E, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, 1678.03 FT.; THENCE N 89°15'35" W, A DISTANCE OF 60.00 FT. TO THE SOUTHEAST CORNER OF "THE TREETOPS AT NORTH 40 - ONTARIO", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 23, PAGES 58 THROUGH 62, AFORESAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ONTARIO", A DISTANCE OF 847.89 FT. TO THE SOUTHEAST CORNER OF THE "THE TREETOPS AT NORTH 40 - ST. CHARLES", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 24, PAGES 145 THROUGH 148, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 302.20 FT.; THENCE S 00°50'04" W, ALONG THE EASTERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 335.01 FT.; THENCE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", A DISTANCE OF 327.64 FT. TO THE SOUTHEAST CORNER OF "HUNTER'S GROVE", A SUBDIVISION, AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PAGES 118 THROUGH 119, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "HUNTER'S GROVE", A DISTANCE OF 327.33 FT. TO THE NORTHEAST CORNER OF "OAKWOOD ACRES", A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 19, PAGE 113, SAID PUBLIC RECORDS; THENCE S 00°48'16" W, ALONG THE EASTERLY LINE OF SAID "OAKWOOD ACRES", 589.52 FT.; THENCE N 89°16'52" W, ALONG THE SOUTHERLY LINE OF SAID "OAKWOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 854.44 FT. TO THE INTERSECTION WITH THE WEST LINE OF AFORESAID NORTHWEST 1/4 OF SECTION 33; THENCE S 00°48'04" W, ALONG SAID WEST LINE, A DISTANCE OF 870.52 FT. TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4, (SAME BEING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33); THENCE S 89°17'09" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 33.00 FT. TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 4268, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG SAID EAST RIGHT-OF-WAY LINE: S 00°48'04" W, A DISTANCE OF 25.05 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 12160.40 FT.; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°01'41", A DISTANCE OF 842.89 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 12094.40 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°58'37", A DISTANCE OF 206.18 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE CONTINUE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°03'12", A DISTANCE OF 433.46 FT. TO THE P.T. OF SAID CURVE; THENCE S 01°15'49" W, 682.15 FT.; THENCE S 88°44'11" E, 8.00 FT.; THENCE S 01°15'49" W, A DISTANCE OF 517.49 FT. TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°14'43" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.95 FT. TO THE INTERSECTION WITH SAID WEST LINE OF THE SOUTHWEST 1/4; THENCE CONTINUE S 89°14'43" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1532.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 32 AND 33, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

SUBJECT TO MANATEE COUNTY MAINTAINED RIGHTS-OF-WAY FOR LOCKWOOD RIDGE ROAD AND TUTTLE AVENUE.

CONTAINING 198.81 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.

TOGETHER WITH:

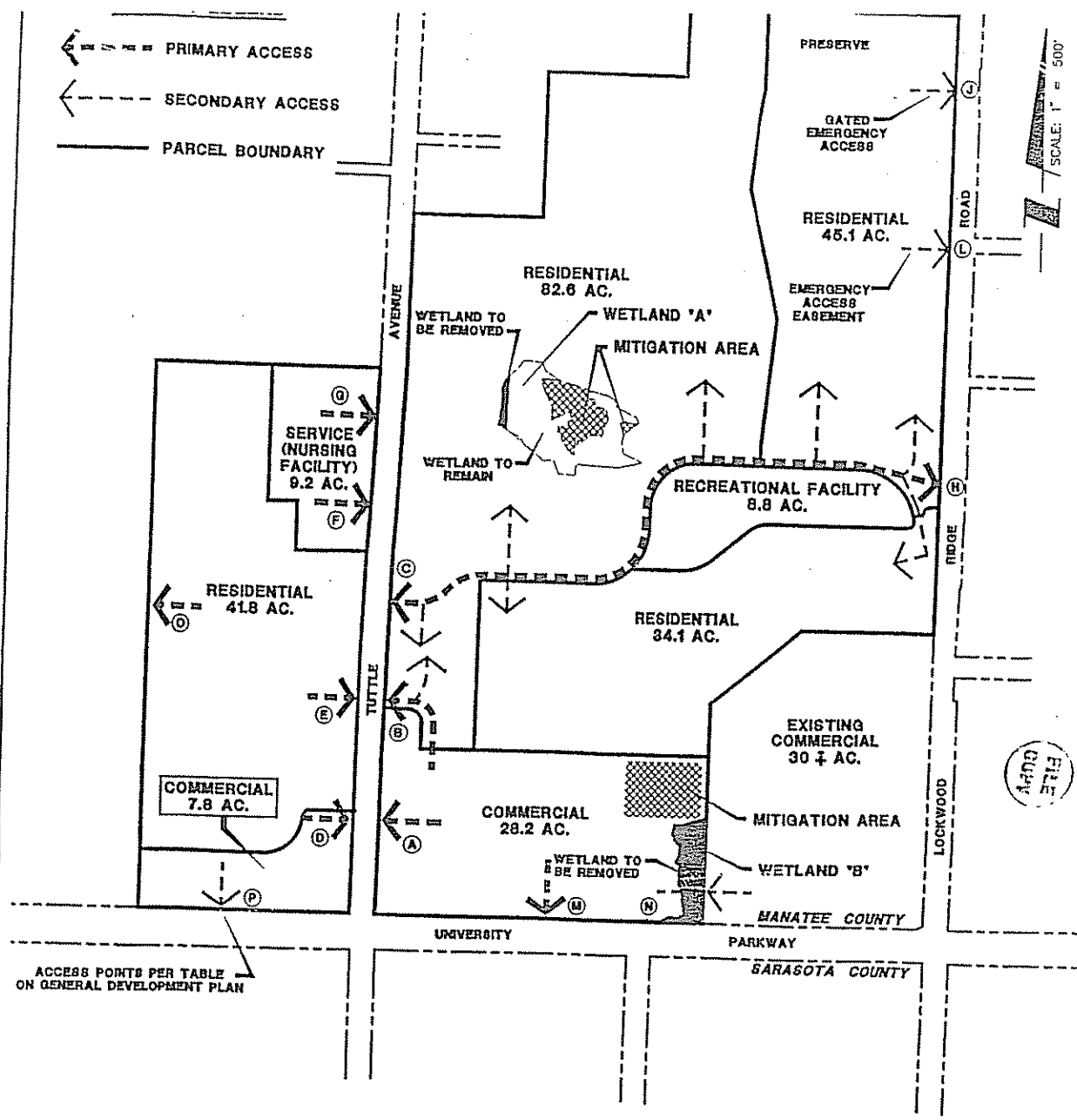
WEST PARCEL:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E. (SAME BEING THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E.); THENCE N 89°36'22" W, ALONG THE SOUTH LINE OF SECTION 32 (TOWNSHIP LINE), 84.72 FT.; THENCE N 00°23'38" E, A DISTANCE OF 173.00 FT. TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 12B, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 426B, SAID PUBLIC RECORDS FOR A POINT OF BEGINNING; THENCE RUN THE FOLLOWING COURSES ALONG SAID WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE: N 01°15'49" E, 518.84 FT.; THENCE S 88°44'11" E, 9.00 FT.; THENCE N 01°15'49" E, A DISTANCE OF 682.15 FT. TO THE P.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 12,160.40 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°10'01", A DISTANCE OF 459.91 FT.; THENCE LEAVING SAID WEST RIGHT-OF-WAY, RUN S 89°37'12" W, 362.92 FT.; THENCE N 00°22'48" E, 220.87 FT.; THENCE S 89°37'12" W, 137.08 FT.; THENCE N 00°22'48" E, A DISTANCE OF 608.21 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 25.0 FT. OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 32; THENCE N 88°38'35" W, ALONG SAID SOUTH LINE, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4, AND 25.0 FT. SOUTHERLY THEREFROM, 536.74 FT.; THENCE S 00°34'15" W, A DISTANCE OF 2480.33 FT. TO THE INTERSECTION WITH AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1001.61 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 32, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 49.62 ACRES MORE OR LESS.

CONTAINING A TOTAL ACREAGE OF 248.43 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.

- - - - - PRIMARY ACCESS
 - - - - - SECONDARY ACCESS
 - - - - - PARCEL BOUNDARY



ACCESS POINTS PER TABLE
ON GENERAL DEVELOPMENT PLAN

WETLAND IMPACTS					
WETLAND	EXISTING AREA	IMPACTED AREA	MITIGATION AREA	MITIGATION RATIO	PROPOSED WETLAND AREA
"A"	3.41 Ac.	0.19 Ac.	1.27 Ac.	6.7:1	4.49 Ac.
"B"	1.42 Ac.	1.42 Ac.	2.13 Ac.	1.5:1	2.13 Ac.

MAP H MASTER DEVELOPMENT PLAN

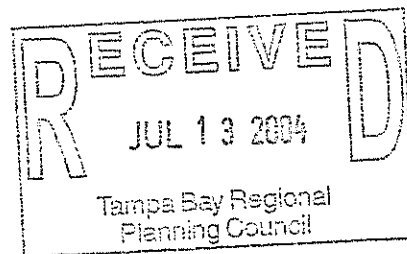
REV A	REMOVE ACCESS "O" & UPDATE AREAS	03/19/04	MSC/1350	Mar 19, 2004 - 10:34:31	MC000001\X\CHG\2754\15\rev00\2754MAPH.dwg
PROJECT: UNIVERSITY COMMONS					
CLIENT: UNIVERSITY COMMONS LAND DEVELOPMENT, LLC					
WilsonMiller <small>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants</small> <small>WilsonMiller, Inc.</small> <small>Niles • Fort Myers • Sarasota • Bradenton • Tampa</small> <small>1900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-6114 • Phone 941-907-6200 • Fax 941-907-6210 • Web Site www.wilsonmiller.com</small>			COUNTY: MANATEE DATE: MARCH 2002 SHEET NO.: 33 OF 35 PROJECT NO.: 52754-401-000 DRAWN BY/LWP NO.: MJS/1052 CHECK NO.: 18E PROJECT NO.: 52754-401-000004 SHEET NO.: 1 OF 1		

STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 25th day of June, 2004.
 R.L. SHORE
 Clerk of Circuit Court



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 25th day of June, 2004.
 R.L. SHORE
 Clerk of Circuit Court
 By: *Debra E. Volkmann*



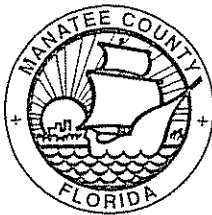


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 8th day of

R.B. SHOPE
Clerk of Circuit Court

By: Patricia A. Jatur



MANATEE COUNTY GOVERNMENT

#190

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

July 9, 2004

Certified Mail # 7000 0600 0024 5577 1972

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

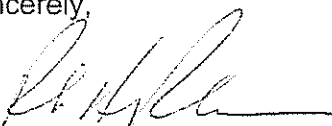
Re: Development Order for University Commons

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-47, the Development Order for the University Commons Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on June 22, 2004, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,


Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

FILED FOR RECORD
R. B. SHORE

ORDINANCE 04-47

2001 JUL -2 PM 4:19

DRI #19 UNIVERSITY COMMONS

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

FILED
2001 JUN 28 AM 10:49
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on April 25, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-27) for the University Commons DRI, to simultaneously increase and decrease certain land use totals, revise and change conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle Avenue, replace the required transportation improvements entirely, and modify a number of definitions and conditions of approval; and

WHEREAS, on December 19th, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-52) for the University Commons DRI, to increase commercial development and eliminate the hotel use, to amend Map H to add an access point to University Parkway, and amend the Development Order to be internally consistent with the changes proposed by the applicant; and

WHEREAS, on March 12th, 2002 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 02-19) for the University Commons DRI to allow a simultaneous increase in commercial development and eliminate the office use, add an access point to Tuttle Avenue and University Parkway, eliminate an access point connecting the Walmart Shopping Center (±30 acre commercial parcel) to the single-family semi-detached parcel, amend the Development Order to be internally consistent with the changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, on March 22, 2004, University Commons Land Development, L.L.C, filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposed to modify Map H and the Development Order to delete Driveway Access Point "Q" on Tuttle Avenue and adjust land areas for commercial and residential uses west of Tuttle Avenue by 0.2 acres, amend Table I of the Development Order to exchange 510 independent senior housing units and an 85 bed group care facility for 383 multi-family dwelling units which was approved with Ordinance 02-19, and amend the Development Order to update definitions, terminology, departmental references, and other minor changes for internal consistency; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on June 22, 2004 held a duly a noticed public hearing on the NOPC to amend and replace Ordinance 02-19 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinances 93-54, 99-38, 00-27, 00-52, and 02-19.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance and General Development Plan to reflect the changes proposed in this NOPC.
- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on June 10, 2004 following public hearing.
- E. The Board of County Commissioners held a public hearing on June 22, 2004 regarding the NOPC and proposed Zoning Ordinance and General Development Plan amendments, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer*" submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, Gladfelter, and Galvano, and his address is 1023 Manatee Avenue West, Bradenton, FL 34205.
- K. The owners of the property and the Developer*, are University Parkway Associates, Ltd., Cambridge 950 Corporation, Health Care REIT, Inc., University Walk, L.L.C., Centex Homes, Inc., and University Commons Land Development LLC.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region (A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 02-19 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsections 380.06(19)(e)3, Florida Statutes, the changes proposed pursuant to the NOPC submitted on March 22, 2004 and approved pursuant to Ordinance 04-47, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development*, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The entire project has been reviewed against the Manatee County Concurrency requirements and has been found to be in compliance, subject to the terms outlined within this Development Order.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A	Column B	Column C	Column D	Column E	Column F
Land Use	Phase I 1992-(2003) ⁴	Phase II 1998-(2008) ⁴	Total Sq.Ft.	Total Units	Acres
Residential Units	400 ³ ⁵	383 ³		783	212.4 ⁵
Skilled Nursing (Service) ¹	120 beds			120 beds	9.2
Commercial ² (Retail)	250,000 sq. ft.	185,000* sq.ft. Gross leasable (225,000 sq. ft. area with canopies)	425,000 sq. ft. Gross leasable (475,000 sq. ft. area with canopies)		64.07
Office (Office)		10,000 sq.ft.*	10,000 sq.ft.*		1.93

- 1 Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.
- 2 Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements.
- 3 Phase I residential consists of 150 single-family units, 150 single-family attached units, and 100 single-family semi-detached units. Phase II residential consists of 383 multi-family units.
4. Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.
- 5 The approved number of single-family attached or semi-detached units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 single-family units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 single-family attached or semi-detached units, and provided that the Developer* obtain an amended CLOS to verify that there are adequate levels of service to accommodate this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI or within 200 feet of any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.

- The maximum commercial space allowed shall be 185,000 square feet less any space approved for office use. At least 10,000 square feet of the 185,000 square feet of commercial must be developed as office per Z-89-46(C)(R-7), Stipulation U.(1).e.
- 1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in previous Exhibit "A" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference herein after referred to as the Technical Memorandum, Land Use Changes, University Commons demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
- 2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, the NOPC submitted on September 25, 2001, the revised Map H dated March 12, 2002, and the NOPC submitted on March 22, 2004.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements

Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.

- D. "Developer" shall mean Cambridge 950 Corporation, Health Care REIT, Inc., University Walk L.L.C., and Centex Homes, Inc., University Commons Land Development LLC, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment", "Funding", "Funded", or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 - 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.

- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- K. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J (Previous "Exhibit B" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Transportation Impact Area Map) which was based on data submitted with the Ordinance 00-27.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval, limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order, is approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2).
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water (FSP only), sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.

- A.(3) Phase I is approved until September 14, 2003. Phase II is approved until September 14, 2008.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(I) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted*unless constructed by the County pursuant to the CIP (Funded).
2.	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3.	Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB. Signalize when MUTCD Warranted*.Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal.
4.	Intersection "A"/"D", Tuttle Avenue at			

	South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.
5.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue.
6.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB. (CIP Project)
7.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right -turn lane NB, & 1 right-turn lane WB. (Complete)

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement. (Completed with prepayment of Impact Fees 8/31/00)

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) (Completed)
4. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Table 2 above) are operating at or above Level of Service D at peak hours (peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic

analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and time frames. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the entire western parcel within 90 days of the approval of Ordinance 02-19 (March 12, 2002). (Completed for the western 536 feet, as recorded in O.R. BK. 1898, PGS 1124 - 1130).
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E, as shown on the GDP. (Completed) A cross access easement shall be provided from the 7.68 commercial site to Broadway Avenue.
- B.(7) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road. (Completed)
- B.(8) Developer* shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way. (Completed)
- B.(9) The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast quadrant of the intersection of University Parkway and Tuttle Avenue. (Completed)

- B.(10) The Developer* may, if permitted by Interlocal Agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northwest quadrant of the intersection of University Parkway and Tuttle Avenue. If the Interlocal Agreement is not amended by both Manatee and Sarasota Counties, and Section 741 of the Land Development Code is not amended by Manatee County to allow 2 or more access points on University Parkway between Shade and Tuttle Avenues prior to Preliminary Site Plan approval for any site west of Tuttle Avenue, then the right-in/right-out access on University Parkway west of Tuttle Avenue shall be relocated to the western boundary of the westernmost parcel of University Commons and depicted as such on all future site plan approvals. (Completed)

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-2 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas

shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.

- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principles as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 68A-27.003 through 68A-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the Environmental Management Department ("EMD"), and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, EMD, and DCA for review and approval.
- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as previous Exhibit "D" of Ordinance 92-31 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as Map H.
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical

Resources. Non-compliance with Condition F.(l) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(l) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.

- (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to EMD for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

- H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, EMD, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
 - o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - o promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- o institute and utilize recycling programs;
- o utilize energy efficient packaging or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:

- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
- (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
- (c) Wet wells to contain sewage line surcharges/overflows.
- (d) Emergency by-pass pumpouts for tank trucks.
- (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See previous Exhibit "E" of Ordinance 00-27 which is on file with the Clerk's Office and is incorporated by reference hereinafter referred to as the Manatee County Sewer Use Ordinance, Ord. 92-28).
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement

Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility). Completed

Water

- M.(1) The County has determined that there exists adequate water capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
 - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law. (Completed)
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the

development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.(Completed)

- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the

commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;

- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order.

These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286.5 acres currently owned by University Parkway Associates, Limited, Centex Homes, Inc., University Walk, L.L.C., Health Care REIT, Inc., Cambridge 950 Corporation, and University Commons Land Development LLC and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County could not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County could demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

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

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-19 during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

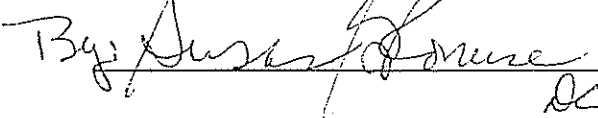

ADOPTED AND APPROVED with a quorum present and voting the 22nd day June 2004 .

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA




Chairman

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

By:  

EXHIBITS ATTACHED

EXHIBIT F - Legal Description

EXHIBIT D - Map H

Exhibit F

COMMENCE at the Southwest corner of Section 33, Township 33 South, Range 18 East, (same being the Southeast corner of Section 32, Township 35 South, Range 18 East); thence S.89°14'43"E., along the South line of Section 33 (Township Line), 1532.42 feet; thence N.00°49'17"E., a distance of 173.00 feet to the intersection with the North Right-of-Way line of University Parkway (County Line Road) as described and recorded in Official Records Book 974, Page 128, Public Records of Manatee County, Florida, for a POINT OF BEGINNING, said point lying at the Southwest corner of that certain parcel of land as described and recorded in Official Records Book 1200, Page 3224, said Public Records; thence run the following courses along the Westerly lines of said certain parcel of land: N.00°45'17"E., 1017.42 feet; thence N.50°31'27"E., 538.04 feet; thence S.89°14'43"E., along the Northerly line of said certain parcel of land and the Easterly extension thereof, a distance of 674.04 feet to the intersection with the East line of the Southwest 1/4 of said Section 33; thence N.00°52'38"E., along said East line, a distance of 1143.03 feet to the Northeast corner of said Southwest 1/4 (same being the Southeast corner of the Northwest 1/4 of said Section 33); thence continue N.00°52'38"E., along the East line of said Northwest 1/4, 1675.03 feet; thence N.89°15'35"W., a distance of 60.00 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ONTARIO, a Land Condominium, as described and recorded in Condominium Book 23, Pages 58 through 62, aforesaid Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ONTARIO, a distance of 947.69 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ST. CHARLES, a Land Condominium, as described and recorded in Condominium Book 24, Pages 145 through 148, said Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 302.20 feet; thence S.00°50'04"W., along the Easterly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 335.01 feet; thence N.89°20'24"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, a distance of 327.64 feet to the Southeast corner of HUNTER'S GROVE, a Subdivision, as described and recorded in Plat Book 25, Pages 115 through 119, said Public Records; thence continue N.89°20'24"W., along the Southerly line of said HUNTER'S GROVE, a distance of 327.33 feet to the Northeast corner of OAKWOOD ACRES, a Subdivision, as described and recorded in Plat Book 19, Page 113, said Public Records; thence S.00°49'16"W., along the Easterly line of said OAKWOOD ACRES, 669.52 feet; thence N.89°16'52"W., along the Southerly line of said OAKWOOD ACRES, and the Westerly extension thereof, a distance of 654.44 feet to the intersection with the West line of aforesaid Northwest 1/4 of Section 33; thence S.00°48'04"W., along said West line, a distance of 670.52 feet to the Southwest corner of said Northwest 1/4, (same being the Northwest corner of the Southwest 1/4 of Section 33); thence S.89°17'09"E., along the North line of said Southwest 1/4, a distance of 33.00 feet to the intersection with the East Right-of-Way line of Tuttle Avenue as described and recorded in Official Records Book 1390, Page 4268, said Public Records; thence run the following

CONTINUED

courses along said East Right-of-Way line: S.00°48'04"W., a distance of 25.05 feet to the Point of Curvature (P.C.) of a curve concave to the West, having a radius of 12160.40 feet; thence run Southerly along the arc of said curve, through a central angle of 03°01'41", a distance of 642.69 feet to the Point of Reverse Curvature (P.R.C.) of a curve concave to the East having a radius of 12094.40 feet; thence run Southerly, along the arc of said curve, through a central angle of 00°58'37", a distance of 206.19 feet to the intersection with the West line of said Southwest 1/4; thence continue Southerly, along the arc of said curve, through a central angle of 02°03'12", a distance of 433.46 feet to the Point of Tangency (P.T.) of said curve; thence S.01°15'49"W., 682.15 feet; thence S.88°44'11"E., 9.00 feet; thence S.01°15'49"W., a distance of 517.49 feet to the intersection with the aforesaid North right-of-Way line of University Parkway; thence S.89°14'43"E., along said North Right-of-Way line, a distance of 11.95 feet to the intersection with said West line of the Southwest 1/4; thence continue S.89°14'43"E., along said North Right-of-Way line, a distance of 1532.28 feet to the POINT OF BEGINNING.

LESS Rights-of-Way for Lockwood Ridge Road and Tuttle Avenue.

EAST PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E. (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E.); THENCE S 89°14'43" E. ALONG THE SOUTH LINE OF SECTION 33 (TOWNSHIP LINE), 1532.42 FT.; THENCE N 00°45'17" E. A DISTANCE OF 173.00 FT. TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING, SAID POINT LYING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1200, PAGE 3224, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG THE WESTERLY LINES OF SAID CERTAIN PARCEL OF LAND: N 00°45'17" E, 1017.42 FT.; THENCE N 50°31'27" E, 538.04 FT.; THENCE S 89°14'43" E. ALONG THE NORTHERLY LINE OF SAID CERTAIN PARCEL OF LAND AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 674.04 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 00°52'38" E. ALONG SOUTHWEST 1/4 (SAME BEING THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 33); THENCE CONTINUE N 00°52'38" E. ALONG THE EAST LINE OF SAID NORTHWEST 1/4, 1678.03 FT.; THENCE N 89°15'35" W, A DISTANCE OF 80.00 FT. TO THE SOUTHEAST CORNER OF "THE TREETOPS AT NORTH 40 - ONTARIO", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 23, PAGES 58 THROUGH 62, AFORESAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ONTARIO", A DISTANCE OF 847.89 FT. TO THE SOUTHEAST CORNER OF THE "THE TREETOPS AT NORTH 40 - ST. CHARLES", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 24, PAGES 145 THROUGH 148, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 302.20 FT.; THENCE S 00°50'04" W, ALONG THE EASTERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 335.01 FT.; THENCE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", A DISTANCE OF 327.64 FT. TO THE SOUTHEAST CORNER OF "HUNTER'S GROVE", A SUBDIVISION, AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PAGES 118 THROUGH 119, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "HUNTER'S GROVE", A DISTANCE OF 327.33 FT. TO THE NORTHEAST CORNER OF "OAKWOOD ACRES", A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 19, PAGE 113, SAID PUBLIC RECORDS; THENCE S 00°48'16" W, ALONG THE EASTERLY LINE OF SAID "OAKWOOD ACRES", 589.52 FT.; THENCE N 89°18'52" W, ALONG THE SOUTHERLY LINE OF SAID "OAKWOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 854.44 FT. TO THE INTERSECTION WITH THE WEST LINE OF AFORESAID NORTHWEST 1/4 OF SECTION 33; THENCE S 00°48'04" W, ALONG SAID WEST LINE, A DISTANCE OF 870.52 FT. TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4, (SAME BEING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33); THENCE S 89°17'09" E. ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 33.00 FT. TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 4268, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG SAID EAST RIGHT-OF-WAY LINE: S 00°48'04" W, A DISTANCE OF 25.05 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 12160.40 FT.; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°01'41", A DISTANCE OF 842.89 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 12094.40 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°58'37", A DISTANCE OF 208.18 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE CONTINUE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°03'12", A DISTANCE OF 433.46 FT. TO THE P.T. OF SAID CURVE; THENCE S 01°15'49" W, 682.15 FT.; THENCE S 88°44'11" E, 8.00 FT.; THENCE S 01°15'49" W, A DISTANCE OF 517.49 FT. TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°14'43" E. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.95 FT. TO THE INTERSECTION WITH SAID WEST LINE OF THE SOUTHWEST 1/4; THENCE CONTINUE S 89°14'43" E. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1532.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 32 AND 33, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

SUBJECT TO MANATEE COUNTY MAINTAINED RIGHTS-OF-WAY FOR LOCKWOOD RIDGE ROAD AND TUTTLE AVENUE.

CONTAINING 198.81 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.

TOGETHER WITH:

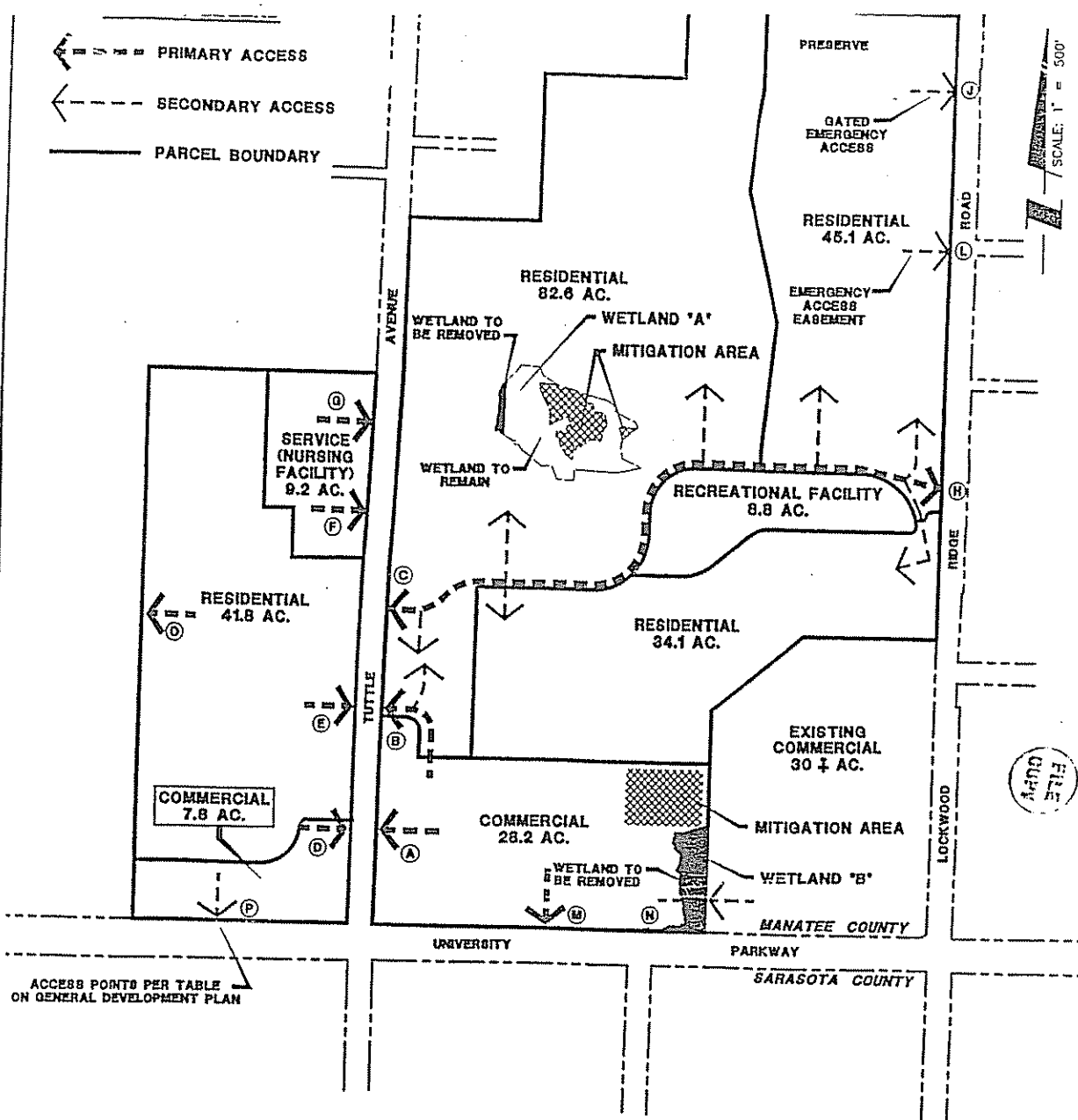
WEST PARCEL:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E., (SAME BEING THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E.); THENCE N 89°36'22" W, ALONG THE SOUTH LINE OF SECTION 32 (TOWNSHIP LINE), 94.72 FT.; THENCE N 00°23'38" E, A DISTANCE OF 173.00 FT. TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 4268, SAID PUBLIC RECORDS FOR A POINT OF BEGINNING; THENCE RUN THE FOLLOWING COURSES ALONG SAID WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE: N 01°15'49" E, 518.84 FT.; THENCE S 88°44'11" E, 9.00 FT.; THENCE N 01°15'49" E, A DISTANCE OF 682.15 FT. TO THE P.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 12,160.40 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°10'01", A DISTANCE OF 459.91 FT.; THENCE LEAVING SAID WEST RIGHT-OF-WAY, RUN S 89°37'12" W, 362.92 FT.; THENCE N 00°22'48" E, 220.87 FT.; THENCE S 89°37'12" W, 137.08 FT.; THENCE N 00°22'48" E, A DISTANCE OF 606.21 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 25.0 FT. OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 32; THENCE N 89°38'35" W, ALONG SAID SOUTH LINE, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4, AND 25.0 FT. SOUTHERLY THEREFROM, 536.74 FT.; THENCE S 00°34'15" W, A DISTANCE OF 2480.33 FT. TO THE INTERSECTION WITH AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1001.61 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 32, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 49.62 ACRES MORE OR LESS.

CONTAINING A TOTAL ACREAGE OF 248.43 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.

PRIMARY ACCESS
SECONDARY ACCESS
PARCEL BOUNDARY



ACCESS POINTS PER TABLE
ON GENERAL DEVELOPMENT PLAN

WETLAND IMPACTS					
WETLAND	EXISTING AREA	IMPACTED AREA	MITIGATION AREA	MITIGATION RATIO	PROPOSED WETLAND AREA
"A"	3.41 Ac.	0.19 Ac.	1.27 Ac.	6.7:1	4.49 Ac.
"B"	1.42 Ac.	1.42 Ac.	2.13 Ac.	1.5:1	2.13 Ac.

MAP H MASTER DEVELOPMENT PLAN

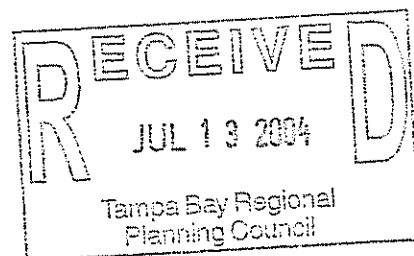
STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 20 day of
R.D. SJOHE
Clerk of Circuit Court



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 25th day of
R.D. SJOHE
Clerk of Circuit Court
By: Denise E. Williams



REV A	REMOVE ACCESS "Q" & UPDATE AREAS	03/19/04	MSC/1350	Mar 19, 2004 - 10:34:31	MC0HERLYK\ENG\2754\16\rev06\2754MAPH.dwg																
PROJECT: UNIVERSITY COMMONS																					
CLIENT: UNIVERSITY COMMONS LAND DEVELOPMENT, LLC																					
WilsonMiller <small>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants</small> <small>WilsonMiller, Inc.</small> <small>Offices: Fort Myers • Sarasota • Bradenton • Tampa</small> <small>6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34243-6414 • Phone: 941-907-6300 • Fax: 941-907-6310 • Web-Site: www.wilsonmiller.com</small>			<table border="1"> <tr> <td>COUNTY:</td> <td>MANATEE</td> <td>DATE:</td> <td>MARCH 2002</td> </tr> <tr> <td>SHEET NO.</td> <td>33</td> <td>OF</td> <td>18E</td> </tr> <tr> <td>PROJECT NO.</td> <td>S2754-401-000</td> <td>WORLD NO.</td> <td>B2754-401-000004</td> </tr> <tr> <td>OWNER/CLIENT NO.</td> <td>MJS/1052</td> <td>SHEET NO.</td> <td>1 of 1</td> </tr> </table>			COUNTY:	MANATEE	DATE:	MARCH 2002	SHEET NO.	33	OF	18E	PROJECT NO.	S2754-401-000	WORLD NO.	B2754-401-000004	OWNER/CLIENT NO.	MJS/1052	SHEET NO.	1 of 1
COUNTY:	MANATEE	DATE:	MARCH 2002																		
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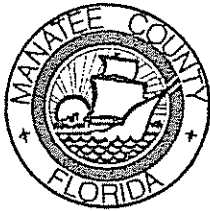
STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 8th day of

July, 2004

R.B. SHOPE
Clerk of Circuit Court

By: Patricia A. Jaturaga



MANATEE COUNTY
GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 3013

April 2, 2002

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

Re: Development Order for University Commons

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 02-19, the Development Order for University Commons, as adopted in open session by the Manatee County Board of County Commissioners on March 12, 2002, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

ORDINANCE 02-19

DRI #19 UNIVERSITY COMMONS

GRANTING AMENDMENTS TO ORDINANCE 00-52

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI#19, ALSO KNOWN AS TBRPC DRI#190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06 Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on April 25, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-27) for the University Commons DRI, to simultaneously increase and decrease certain land use totals, revise and change conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle

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CLERK OF THE COURT
MANATEE COUNTY, FLORIDA

Avenue, replace the required transportation improvements entirely, and modify a number of definitions and conditions of approval; and

WHEREAS, on December 19th, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-52) for the University Commons DRI, to increase commercial development and eliminate the hotel use, to amend Map H to add an access point to University Parkway, and amend the Development Order to be internally consistent with the changes proposed by the applicant; and

WHEREAS, on September 25, 2001 University Commons Land Development LLC, filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposed a simultaneous increase in commercial development and elimination of the office use, added an access point to Tuttle Avenue and University Parkway, eliminated an access point connecting the Walmart Shopping Center (±30 acre commercial parcel) to the single-family semi-detached parcel, amended the Development Order to be internally consistent with the changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on February 26, 2002 and March 12, 2002 held a duly a noticed public hearing on the NOPC to amend and replace Ordinance 00-52 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinances 93-54, 99-38, 00-27, and 00-52.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance and General Development Plan to reflect the changes proposed in this NOPC.
- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on February 14, 2002 following public hearing.
- E. The Board of County Commissioners held a public hearing on February 26, 2002 and March 12, 2002 regarding the NOPC and proposed Zoning Ordinance Amendment and General Development Plan, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearings.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer*" submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, Gladfelter, and Galvano, and his address is 1023 Manatee Avenue West,

Bradenton, FL 34205.

- K. The owners of the property, and the Developer*, are Cambridge 950 Corporation, Health Care REIT, Inc., University Walk, L.L.C., Centex Homes, Inc., and University Commons Land Development LLC.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region, (A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 00-52 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsections 380.06(19)(e)5.c and 380.06(19)(e)3, Florida Statutes, the changes proposed pursuant to the NOPC submitted on September 25, 2001 and additional information submitted on December 13, 2001 and approved pursuant to Ordinance 02-19, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development*, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The entire project has been reviewed against the Manatee County Concurrency requirements and has been found to be in compliance, subject to the terms outlined within this Development Order.

TABLE 1
DEVELOPMENT* LAND AREA AND USES

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>	<u>Column D</u>	<u>Column E</u>	<u>Column F</u>
<u>Land Use</u>	<u>Phase I</u> <u>1992-(2003)⁴</u>	<u>Phase II</u> <u>1998-(2008)⁴</u>	<u>Total Sq.</u> <u>Ft.</u>	<u>Total Units</u>	<u>Acres</u>
Residential Units Group Care Facility (Residential) ¹	400 ^{3 6}	510 ³ 85 beds	—	910 85 beds	212.6 ⁵
Skilled Nursing (Service)	120 beds	—	---	120 beds	9.2
COMMERCIAL ² (Retail)	250,000 sq. ft.	185,000 * sq.ft. Gross leaseable area (225,000 sq. ft. area with canopies)	425,000 sq.ft. Gross leaseable (475,000 sq. ft. with canopies)		63.87
OFFICE (Office)		10,000 sq. ft*.	10,000 sq.ft.	---	1.93

¹ Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

² Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements.

³ Phase I residential consists of 150 single-family units, 150 single-family attached units, and 100 single-family semi-detached units. Phase II residential consists of 510 independent senior housing units.

⁴ Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.

⁵ Residential acreage includes acreage for Group Care Facility

⁶ The approved number of single-family attached or semi-detached units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 single-family units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 single-family attached or semi-detached units, and provided that the Developer* obtain an

amended CLOS to verify that there are adequate levels of service to accommodate this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI or within 200 feet of any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.

* The maximum commercial space allowed shall be 185,000 square feet less any space approved for office use. A maximum of 10,000 square feet of the 185,000 square feet may be developed as office.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, the NOPC submitted on September 25, 2001 and the revised Map H dated March 12, 2002.
- B. "Assisted Living" or "Group Care" shall mean a building which is occupied by residents and resident staff which provides one or more personal services. These personal services, in addition to housing and food service, may include assistance with bathing, dressing, housekeeping and adult supervision but may not include medical services.
- C. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil

types and conditions, and other factors.

- D. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- E. "Developer" shall mean Cambridge 950 Corporation, Health Care REIT, Inc., University Walk L.L.C., and Centex Homes, Inc., University Commons Land Development LLC, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- F. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 8.
- G. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- H. "Funding Commitment", "Funding", "Funded", or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- I. "Independent Senior Housing" shall mean housing for older persons as defined in Section 760.29(4) Florida Statutes.
- J. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- K. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.
- L. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- M. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- N. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J ("Exhibit B") which was based on data submitted with the Ordinance 00-27.
- O. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- P. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(I) This Approval, limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order, is approved subject to the conditions of this

Development Order and concurrency review for items listed in Section 5.A.(2).

- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.
- A.(3) Phase I is approved until September 14, 2003. Phase II is approved until September 14, 2008.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(l) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted* unless constructed by the County pursuant to the CIP (Funded).
2.	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3.	Intersection "B"/"E", Tuttle Avenue at Center			

	Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB. Signalize when MUTCD Warranted*. Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal.
4.	Intersection "A"/"D", Tuttle Avenue at South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.
5.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue.
6.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB.
7.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right -turn lane NB, & 1 right-turn lane WB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance

security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement.

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) (Completed)
4. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above

roadways (Table 2 above) are operating at or above Level of Service D at peak hours (peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.
- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and time frames. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the entire western parcel within 90 days of this approval.
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E, as shown on the GDP. A cross access easement shall be provided from the 7.6 commercial site to Broadway Avenue.
- B.(7) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road. (Completed)

- B.(8) Developer* shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way. (Completed)
- B.(9) The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast quadrant of the intersection of University Parkway and Tuttle Avenue. (Completed)
- B.(10) The Developer* may, if permitted by Interlocal Agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northwest quadrant of the intersection of University Parkway and Tuttle Avenue. If the Interlocal Agreement is not amended by both Manatee and Sarasota Counties, and Section 741 of the Land Development Code is not amended by Manatee County to allow 2 or more access points on University Parkway between Shade and Tuttle Avenues prior to Preliminary Site Plan approval for any site west of Tuttle Avenue, then the right-in/right-out access on University Parkway west of Tuttle Avenue shall be relocated to the western boundary of the westernmost parcel of University Commons and depicted as such on all future site plan approvals.
- B.(11) The Developer may fund and construct a right-in/right-out (Access "Q", as identified on Map H) to provide access on Tuttle Avenue for the multi-family residential parcel.

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-2 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.

- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.
- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principles as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 68A-27.003 through 68A-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the Environmental Management Department ("EMD"), and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, EMD, and DCA for review and approval.
- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:

- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
 - (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to EMD for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

- H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, EMD, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - o promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - o institute and utilize recycling programs;
 - o utilize energy efficient packaging or recyclable materials; and
 - o install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002,
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.
- The Developer*, at its option, may exceed these requirements.
- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See Exhibit "E").
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward

along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility).

Water

- M.(1) The County has determined that there exists adequate water capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:

- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
- (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
- (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impact of the development totals contained in Table 1 for the remaining undeveloped portions of Phase I and Phase II of this project that do not have a Certificate of Occupancy as of February 25, 2002.
- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended

use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law. (Completed)

- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.(Completed)
- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the

Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order.

The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286 acres currently owned by Centex Homes, Inc., University Walk, L.L.C., Health Care REIT, Inc., Cambridge 950 Corporation, and University Commons Land Development LLC and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order

have occurred; or

- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

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

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such

provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-52 during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

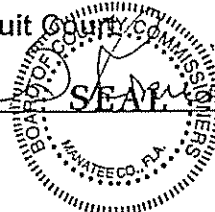
ADOPTED AND APPROVED with a quorum present and voting the 12th day of March, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA


Chairman

ATTEST: R. B. SHORE

Clerk of the Circuit Court



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 12th day of

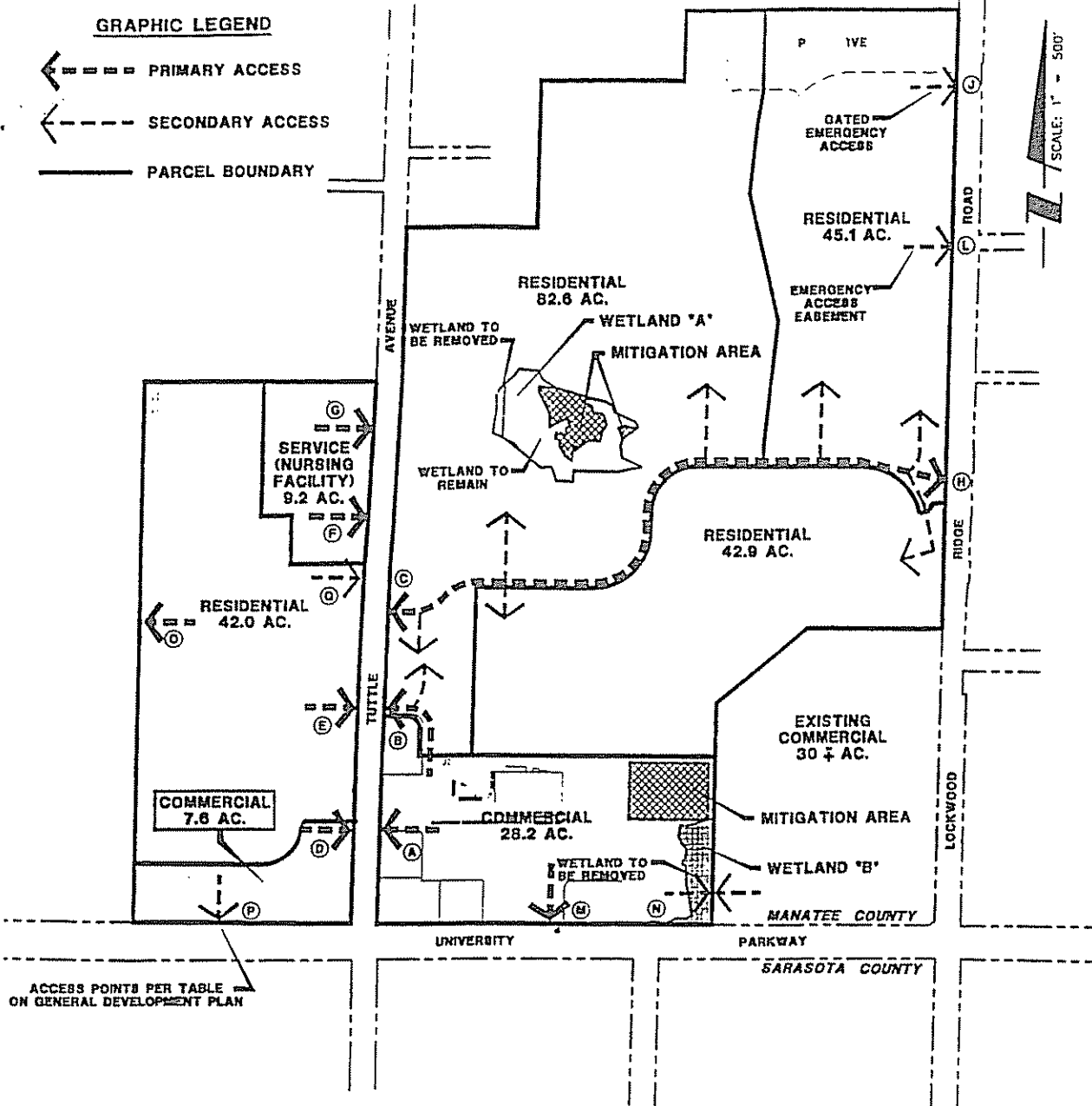
March, 2002

R. B. SHORE
Clerk of Circuit Court

By:  D.C.

GRAPHIC LEGEND

- ← - - - - PRIMARY ACCESS
- ← - - - - SECONDARY ACCESS
- PARCEL BOUNDARY



ACCESS POINTS PER TABLE
ON GENERAL DEVELOPMENT PLAN

WETLAND IMPACTS

WETLAND	EXISTING AREA	IMPACTED AREA	MITIGATION AREA	MITIGATION RATIO	PROPOSED WETLAND AREA
"A"	3.41 Ac.	0.19 Ac.	1.27 Ac.	6.7:1	4.49 Ac.
"B"	1.42 Ac.	1.42 Ac.	2.13 Ac.	1.5:1	2.13 Ac.

MAP H

MASTER DEVELOPMENT PLAN

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PROJECT: UNIVERSITY COMMONS

CLIENT: UNIVERSITY COMMONS LAND DEVELOPMENT, LLC

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

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COUNTY	MANATEE	DATE	MARCH 2002
33	355	155	
PROJECT NO.	S2754-401-000	PROJECT NO.	B2754-401-000004
DRAWN BY/DATE	MJS/1052	SHEET NO.	1 of 1

MICHAEL A. KENNEDY, P.E.
FLORIDA CERTIFICATE
NO. 38122

EXHIBIT D

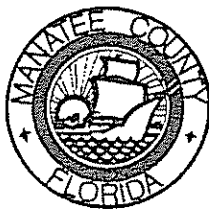


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 2ND day of
APRIL, 2008

R.D. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail Receipt # 7000 0520 0015 6095 8129

January 10, 2001

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

Re: Development Order for University Commons DRI #19

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 00-52, the amended Development Order for University Commons, as adopted in open session by the Manatee County Board of County Commissioners on December 19, 2000, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

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

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

FILED FOR RECORD

ORDINANCE 00-52

JAN 3 6 53 AM '91

DRI #19 UNIVERSITY COMMONS

FILED
20 DEC 25 1989
CLERK
MANATEE COUNTY
FLORIDA

GRANTING AMENDMENTS TO ORDINANCE 00-27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on April 25, 2000 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 00-27) for the University Commons DRI, to simultaneously increase and decrease certain land use totals, revise and change conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle Avenue,

replace the required transportation improvements entirely, and modify a number of definitions and conditions of approval; and

WHEREAS, on July 7, 2000, Cambridge 950 Corporation., hereinafter referred to as the "Developer" filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposed a simultaneous increase in commercial development and an elimination of the hotel use, to amend Map H to add an access point to University Parkway, amend the Development Order to be internally consistent with the changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on December 19, 2000 held a duly a noticed public hearing on the NOPC to amend and replace Ordinance 00-27 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 19th DAY OF DECEMBER, 2000, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

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

A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of

fact.

- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinances 93-54, 99-38, and 00-27.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance and General Development Plan to reflect the changes proposed in this NOPC.
- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on December 7, 2000, following public hearing.
- E. The Board of County Commissioners held a public hearing on December 19, 2000 regarding the NOPC and proposed Zoning Ordinance Amendment and General Development Plan, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearings.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer" submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, and Gladfelter, and his address is 1023 Manatee Avenue West, Bradenton, FL 34205.
- K. The owners of the property, and the Developer*, are PhyMatrix of Manatee County, Cambridge 950 Corporation, Health Care REIT, Inc., University Walk, L.L.C., and Centex Homes, Inc.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval^{*}, the Board of County Commissioners of Manatee County concluded that:
1. The Development^{*} is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region, (A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.
- B That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer^{*} is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development^{*} are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA^{*}, and the NOPC. To the extent that the ADA^{*} is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 00-27 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E Pursuant to Subsections 380.06(19)(e)5.c and 380.06(19)(e)3, Florida Statutes, the changes proposed pursuant to the NOPC submitted on July 7, 2000 and approved pursuant to Ordinance 00-52, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development^{*}, consisting of the area and land uses by phase described in Columns A through F of Table 1, is specifically approved subject to the conditions found within the Development Order.

The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity for the Office use in Phase II shall be made in accordance with the Manatee County concurrency requirements in effect at the time of application for a Certificate of Level of Service. The determination as to the adequacy of transportation capacity for the Office use in Phase II shall be made in accordance with the current Manatee County concurrency requirements which are in effect at the time of application for a Certificate of Level of Service. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity is only available for a portion of the Office use in Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-(2003) ³	Column C Phase II 1998-(2008) ³	Column D Total Sq. Ft.	Column E Total Units	Column F Acres
IL (Residential) ^{1 5} (Consisting of 68 Independent Living Units, 150 single-family units, 150 villa units, and 100 duplexes)	468 lus	—	—	468 lus	203.5
PC (Residential)	110 ⁴ lus	—	—	110 lus	2.3
SN (Service)	120 beds	—	---	120 beds	9.2
COMMERCIAL ² (Retail)	250,000 sq. ft.	150,000 sq. ft. Gross leaseable area (182,500 sq. ft. with canopies)	400,000 sq.ft. Gross leaseable area (432,500 sq. ft. with canopies)		58.2
OFFICE (Office)	80,000 sq. ft.	120,000	200,000 sq.ft. ---		14.4

¹ Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

² Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements.

³ Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.

⁴ 110 beds will be within a maximum of 100 bedrooms.

⁵ The approved number of duplex or villa units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 duplex, single-family, or villa dwelling units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 duplex or villa dwelling units, and provided that the Developer* obtain an amended CLOS to verify that there are adequate levels of service to accommodate this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI of within 200 feet or any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, and the revised Map H dated September 8, 2000.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in

place when the impacts of the development occur.

- D. "Developer" shall mean PhyMatrix of Manatee County, Cambridge 950 Corporation, Health Care REIT, Inc., University Walk L.L.C., and Centex Homes, Inc., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment", "Funding", "Funded", or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 - 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.
- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- K. "Responsible Entities" shall mean entities which will be responsible for construction of a

given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.

- L "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J ("Exhibit B") which was based on data submitted with the Ordinance 00-27.
- M "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order, is approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2).
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.
- A.(3) Phase I is approved until September 14, 2003. Should adequate capacity not exist for the development of the that portion of Phase I sought to be developed, no approvals shall be granted until adequate capacity becomes available, the developer commits to provide capacity improvements through a Land Development Agreement, or the developer makes the improvement required to maintain the adopted Level of Service.
- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building

Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

B.(l) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted* unless constructed by the County pursuant to the CIP (Funded).
2	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3	Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB Signalize when MUTCD Warranted* Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate

				share of the cost of a signal.
4	Intersection "A"/"D", Tuttle Avenue at South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.
5	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue
6	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB.
7	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right-turn lane NB, & 1 right-turn lane WB

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of

Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement.

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) **(Completed)**
4. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast quadrant of the intersection of University Parkway and Tuttle Avenue.
5. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will

maintain the roadways referenced in Option 1 at Level of Service D at peak hour © peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Table 2 above) are operating at or above Level of Service D at peak hours © peak in rural areas). and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours © peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.
- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) Prior to Final Site Plan approvals for the Nursing Facility and ACLF and Retirement Housing, The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the areas marked "Service (Nursing Facility) and Residential (ACLF and Retirement Housing)" on the University Commons Master Plan.
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E shown

on Map H. A cross access shall be provided from the 14.4 acre office site to Broadway Avenue.

Dedication of the Broadway Avenue right-of-way shall occur with the first Final Site Plan approval for the ACLF/Retirement Housing or Office parcels.

- B.(8) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road.
- B.(9) Developer shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way.

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.

- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.
- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principles as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the Environmental Management Department ("EMD"), and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, EMD, and DCA for review and approval.
- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources.

Non-compliance with Condition F.(l) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(l) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.

- (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.

G.(4) No discharges to groundwater shall be permitted on-site.

G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to EMD for approval, during the permitting process.

G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.

H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.

H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, EMD, and any state or federal agency or agencies with jurisdiction.

Energy

I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.

I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:

- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
- o obtain energy audits provided by energy companies or other qualified agencies;
- o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
- o promote energy conservation by employees, buyers, suppliers, and the

public, as appropriate;

- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- o institute and utilize recycling programs;
- o utilize energy efficient packaging or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) The Office use in Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II Office use, or the subphase thereof to be developed. Such determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II Office use, development of such portion may proceed, with development of the balance of Phase II Office use being subject to future determinations as to wastewater capacity availability.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.

- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See Exhibit "E").
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility).

Water

- M.(l) The Office Use in Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II Office use, or the subphase thereof to be developed. Such determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phase II Office use, development of such portion may proceed, with development of the balance of Phase II Office use being subject to future determinations as to potable water capacity availability.

- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
 - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(I) The Office use in Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to

accommodate the impacts of that portion of Phase II, or the subphase thereof to be developed. Such determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phase II Office use, development of such portion may proceed, with development of the balance of Phase II Office use being subject to future determinations as to solid waste capacity availability.

- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with

applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.

- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.(Completed)
- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply.

notwithstanding any provision in this Development Order to the contrary.

- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286 acres currently owned by Phy Matrix of Manatee County, Centex Homes, Inc., University Walk, L.L.C., Health Care REIT, Inc., and Cambridge 950 Corporation and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

For the purposes of this Development Order, the term "down-zone" shall refer only to changes in

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

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

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-27 during the pendency of any appeal.

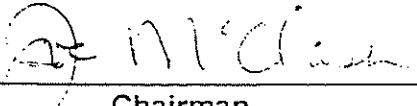
SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and

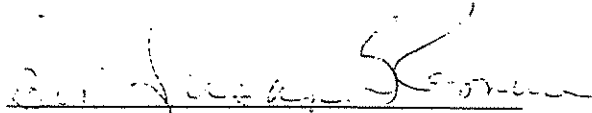
is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

ADOPTED AND APPROVED with a quorum present and voting the 19th day of December, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA


Chairman

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


RK



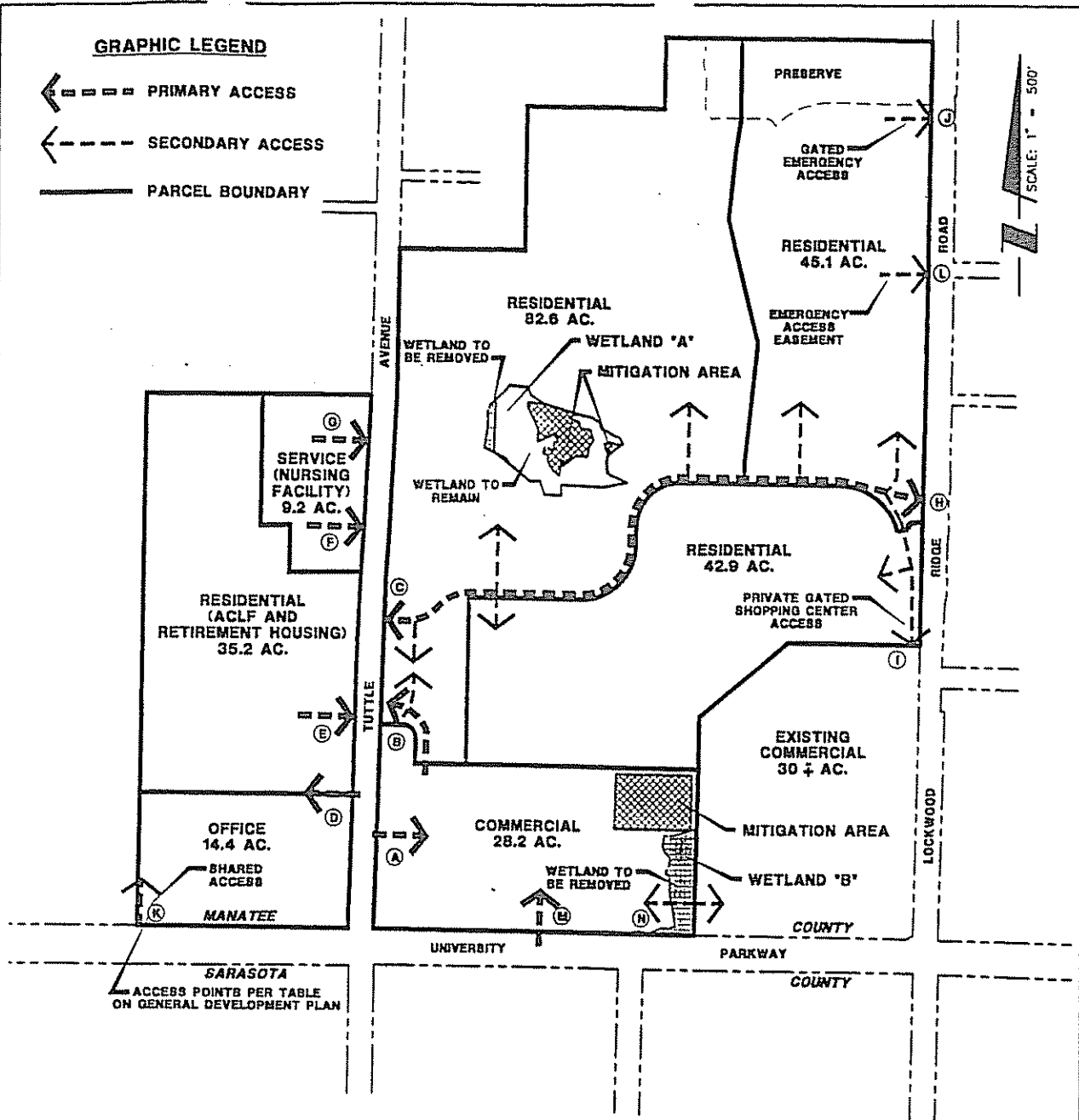
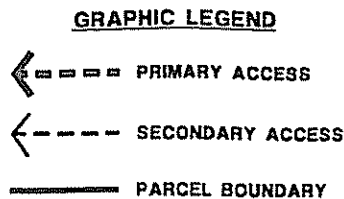
EXHIBITS A, B, C, E, AND F

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED ORDINANCE 92-31, APPROVED ON JUNE 3, 1992, AND ORDINANCE 00-27 APPROVED ON APRIL 25, 2000.

EXHIBIT D IS ATTACHED

EXHIBIT D

ORD-00-00-53



WETLAND IMPACTS					
WETLAND	EXISTING AREA	IMPACTED AREA	MITIGATION AREA	MITIGATION RATIO	PROPOSED WETLAND AREA
"A"	3.41 Ac.	0.19 Ac.	1.27 Ac.	6.7:1	4.49 Ac.
"B"	1.42 Ac.	1.42 Ac.	2.13 Ac.	1.5:1	2.13 Ac.

MAP H MASTER DEVELOPMENT PLAN

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 21st day of December 2000.

R.B. SHORE

Clerk of Circuit Court.

By: *Michael E. Rissman* D.C.

REVISED 12-11-00 COMPLETE WETLAND REMOVAL/MITIGATION (DKL)
REVISED 11-3-00 REVISE PER MANATEE COUNTY COMMENTS (DKL)
REVISED 9-6-00 MODIFIED WETLAND "B" - RESIDENTIAL/COMMERCIAL AREAS
WETLAND HATCHING - ENTRANCE "D" LOCATION (DKL)

Dec 11, 2000 - 09:35:51 KLOSHIK\ENCL2754\1\REVDD\2754MAP1.dwg

PROJECT: UNIVERSITY COMMONS
CLIENT: UNIVERSITY WALK, LLC

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Nashville • Fort Myers • Sarasota • Bradenton • Tampa

COUNTY: MANATEE
DATE: JUNE 2000
SHEET: 33 OF 35
PROJECT NO: S2754-301-002
SHEET NO: B-2754-301-002018

Michael E. Rissman
12-11-00
MICHAEL E. RISSMAN, JR.
P.E., P.S.M.
FLORIDA CERTIFICATE



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0520 0015 6095 8037

May 15, 2000

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

Re: Development Order for University Commons DRI #19

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 00-27, the amended Development Order for University Commons, as adopted in open session by the Manatee County Board of County Commissioners on April 25, 2000, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

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

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

ORDINANCE 00-27 (fka 99-65)

DRI #19 UNIVERSITY COMMONS

GRANTING AMENDMENTS TO ORDINANCE 99-38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P. filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the University Commons, L.P. entered into a settlement agreement with the Department of Community Affairs (DCA) to resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, on August 3, 1999 the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 99-38) for the University Commons DRI, to extend the buildout dates for this DRI; and

WHEREAS, on August 24, 1999, Centex Homes, Inc., hereinafter referred to as the "Developer*" filed a Notice of Proposed Change (NOPC) to the Development Order for University Commons; and

WHEREAS, the NOPC proposed simultaneous increases and decreases in land use totals,

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MAY 12 8 04 AM '00
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY
FLORIDA

revisions and changes to conditions of approval to reflect the new mix of land uses, amend Map H to add an access point to Tuttle Avenue, replace the required transportation improvements entirely, modify a number of definitions and conditions of approval, amend the Development Order to be internally consistent with all changes proposed by the applicant, and amend Map H to reflect all changes; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve the NOPC for an amendment to an approved Development of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on April 25, 2000 held a duly a noticed public hearing on the NOPC to amend and replace Ordinance 99-38 and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 25h DAY OF APRIL, 2000, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinance 93-54 and Ordinance 99-38.
- C. An application has been submitted to Manatee County and is being processed concurrently

with this NOPC to approve a revised Zoning Ordinance to reflect the changes proposed in this NOPC.

- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on April 13, 2000 , following public hearing.
- E. The Board of County Commissioners held public hearings on February 22, 2000, March 28, 2000, and April 25, 2000 regarding the NOPC and proposed Zoning Ordinance Amendment, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearings.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer*" submitted to the County a NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, and Gladfelter, and his address is 1023 Manatee Avenue West, Bradenton, FL 34205.
- K. The owners of the property, and the Developer*, are Phy Matrix Corporation, Lifecare Health Resources, Inc, 950 Cambridge Corporation, and Centex Homes, Inc.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region,

(A Strategic Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.

- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 99-38 in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsection 380.06(19)(c), Florida Statutes, the changes proposed pursuant to the NOPC submitted on August 24, 1999 and approved pursuant to Ordinance 00-27, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. The Development* consists of the area and land uses by phase described in Columns A through F of Table 1. Phase I of the Development* is specifically approved subject to the conditions found within the Development Order. Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to Vertical Development* of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity needed to serve Phase II is or will be adequate to meet such impacts of Phase II when such impacts occur.

The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity for Phase II shall be made in accordance with the Manatee County concurrency requirements in effect at the time of application for a Certificate of Level of Service. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the current Manatee County or Sarasota County concurrency requirements which are in effect at the time of application for a Certificate of Level of Service, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

TABLE 1
DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B F Phase I 1992-(2003) ³	Column C Phase II 1998-(2008) ³	Column D Total Sq. Ft.	Column E Total Units	Column Acres
IL (Residential) ^{1,5} (Consisting of 68 Independent Living Units, 150 single-family units, 150 villa units, and 100 duplexes)	468 lus	—	—	468 lus	203.7
PC (Residential)	110 ⁴ lus	—	—	110 lus	2.3
SN (Service)	120 beds	—	—	120 beds	9.2
HOTEL (Hotel)	—	130 rooms	—	130 rooms	3.0
COMMERCIAL ² (Retail)	250,000 sq. ft.	115,000 sq. ft. Gross leaseable area (140,000 sq. ft. with canopies)	365,000 sq.ft. Gross leaseable area (390,000 sq. ft. with canopies)	---	33.8
OFFICE (Office)	80,000 sq. ft.	120,000	200,000 sq.ft. ---	---	14.4

¹ Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

² Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements.

³ Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.

⁴ 110 beds will be within a maximum of 100 bedrooms.

⁵ The approved number of duplex or villa units may be increased by no more than 10 dwelling units, provided that there is a corresponding decrease of 10 duplex, single-family, or villa dwelling units. The number of single-family detached lots may be increased by no more than 5 lots, provided that there is a corresponding decrease of 5 duplex or villa dwelling units, and provided that the Developer* obtain an amended CLOS to verify that there are adequate levels of service to accommodate

this change. Any increase in density for the single family detached, duplex, or villa units shall not occur within 500 feet of the external boundaries of this DRI or within 200 feet or any part of the DRI which has been constructed or sold to an owner or owners different from the applicant requesting the change.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992 and revised Map H dated April 04, 2000, the NOPC submitted on November 6, 1998, and the NOPC submitted on August 24, 1999.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction

or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.

- D. "Developer" shall mean Phy Matrix Corporation, Lifecare Health Resources, Inc, 950 Cambridge Corporation, and Centex Homes, Inc., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase and type as described in this Development Order, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment", "Funding", "Funded" or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 - 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.
- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter

40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.

- K. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Revised Map J ("Exhibit B") which was based on data submitted with the NOPC.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order. Phase I is specifically approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2). Phase II is conceptually approved subject to further Section 380.06(6), Florida Statutes analysis and review on air quality and transportation. The Development Order shall be amended to grant specific approval to Phase II.
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.
- A.(3) Phase I is approved until September 14, 2003. Should adequate capacity not exist for the development of the that portion of Phase I sought to be developed, no approvals shall be

granted until adequate capacity becomes available, the developer commits to provide capacity improvements through a Land Development Agreement, or the developer makes the improvement required to maintain the adopted Level of Service.

- A.(4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Development Order. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(l) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts:

- (a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted* unless constructed by the County pursuant to the CIP (Funded).
2.	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3.	Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane

				NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB. Signalize when MUTCD Warranted*. Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal.
4.	Intersection "A"/"D", Tuttle Avenue at South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no left-turn allowable EB & 1 right-turn lane WB with no left-turn allowable WB.
5.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue.
6.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB.
7.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right-turn lane NB, & 1 right-turn lane WB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase 1 development. Manatee County shall utilize the Developer's* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days

(30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer's* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement.

2. Intersection Improvements # 1 (unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., Residential, Personal Care, Service, Hotel, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
3. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway) (Completed).
4. By satisfying provisions B.(1)(a) of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C.

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will

maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Table 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on-site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.
- B.(3) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) The Phase II transportation impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the Manatee County or Sarasota County concurrency requirements in effect at the time of the Developer's* application for Certificate of Level of Service. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the

balance of Phase II being subject to future determinations as to transportation capacity availability through a notice of proposed change pursuant to Section 380.06(19), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any transportation mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- B.(6) Prior to Final Site Plan approvals for the Nursing Facility and ACLF and Retirement Housing, The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the areas marked "Service (Nursing Facility) and Residential (ACLF and Retirement Housing)" on the University Commons Master Plan.
- B.(7) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at the northern property line of the 14.4 acre "Office" parcel which lies between University Parkway and the 35.2 acre area marked "Residential (ACLF and Retirement Housing)" on the University Commons Map H.

As an alternative, the Developer* may dedicate this 84' County road right-of-way in a location through the 35.2 acre area marked "Residential (ACLF and Retirement Housing)" on the University Commons Map H, without the need for further DRI review, provided: 1) that the location of the intersection at Tuttle Avenue is approved by the Manatee County Planning and Transportation Departments, and 2) that the pending Final Site Plan for the Residential (ACLF and Retirement Housing) is withdrawn or substantially revised. If the Developer selects this option, a revised Map H shall be submitted to show the location of the dedicated right-of-way.

Dedication of the Broadway Avenue right-of-way shall occur with the first Final Site Plan approval for the ACLF/Retirement Housing or Office parcels.

- B.(8) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road.
- B.(9) Developer shall reserve for the benefit of the Home Owners Association a 40' access easement from the single-family detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way.

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules and permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.
- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principals as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC), the Environmental Management Department ("EMD"), and the Department of Community Affairs. If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the

FWCC, EMD, and DCA for review and approval.

- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.

G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:

- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
- (b) Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) through four years past the date of construction of the last phase of the Development*.
- (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
- (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- (e) If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.

G.(4) No discharges to groundwater shall be permitted on-site.

G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and FDEP for review, and to EMD for approval, during the permitting process.

G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.

H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record

of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.

- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, EMD, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - o promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - o institute and utilize recycling programs;
 - o utilize energy efficient packaging or recyclable materials; and
 - o install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.

- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to wastewater capacity availability.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.
- The Developer*, at its option, may exceed these requirements.
- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual

Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.

- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28) (See Exhibit "E").
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8-inch diameter force main beginning at the point of emergence from the University Commons property then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of said installation.

The Developer shall also participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should Manatee County install the force main, alternate Contractor bids for both 8-inch and 10-inch diameter force main pipe and required fittings shall be obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement Project. Developer shall pay to Manatee County, based upon the above noted competitive bids, those costs associated with installation of an 8-inch diameter line.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Avenue; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force main shall be determined by either of the following:

- a. Should the Developer install the force main, Developer shall obtain alternate Contractor bids for installation of both 8-inch and 10-inch diameter force main pipe and required fittings requested by Developer. The Developer shall install and pay for installation of a 10-inch diameter force main. Manatee County shall reimburse Developer for all costs associated with upsizing of force main from 8-inch to 10-inch.

-OR-

- b. Should either Manatee County or the Manatee County School Board, or a combination thereof, install the force main, alternate Contractor bids shall be

obtained for 4-inch, 8-inch, and 10-inch diameter force main pipe, including required fittings requested by the Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost that the County incurred to construct an 8-inch diameter force main on Prospect Road and Whitfield Avenue, or shall pay such reimbursement to Manatee County for that 8-inch diameter force main as is established in a separate participation agreement prepared prior to final site plan approval.

The total cost of participation in upsizing the force main along the above-described Prospect/Whitfield route to serve the entirety of the proposed University Commons Development shall be paid by said Developer to Manatee County prior to the recording of the first Final Plat in Phase One of this project (excluding the area of existing 120 bed nursing facility).

Water

- M.(1) Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phases I or II being subject to future determinations as to potable water capacity availability.
- M.(2) The Developer* shall be responsible for the maintenance and operation or appropriate abandonment of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.

- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area or its successor.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to solid waste capacity availability.
- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.

- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.
- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2, and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state,

and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Reports or information pursuant to conditions B.(3), F.(2), G.(3)(d.), H(1), and H.(2), of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for, to the extent the commitments remain consistent with the project as revised.

A. General Commitments

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

The stormwater management systems shall be designed, constructed, and maintained in accordance with Chapter 40D-4, F.A.C. Vegetated littoral shelves will encompass 35% of the minimum pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286 acres currently owned by Phy Matrix Corporation, Lifecare Health Resources, Inc., Centex Homes, Inc., and 950 Cambridge Corporation and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the Board of County Commissioners; however no development shall occur until the expiration of the appropriate appeal for this Development Order expired. If more than five years shall have elapsed between approval of this Development Order and commencement of development under County Development

Approval*, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this

Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 14. NOTICE OF RECORDING

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

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 99-38 during the pendency of any appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

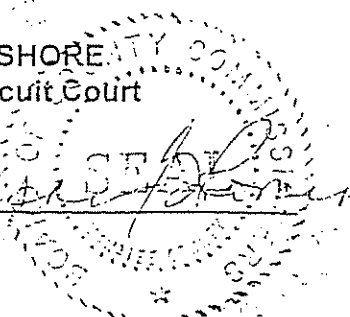
ADOPTED AND APPROVED with a quorum present and voting the 25th day of April, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Stan Stephens

Chairman

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

R. B. Shore


EXHIBITS A, B, C, AND F

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS
TO THE PREVIOUSLY APPROVED ORDINANCE 92-31, APPROVED ON JUNE 3, 1992.

EXHIBIT D AND E ARE ATTACHED



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 12 day of

May 2000

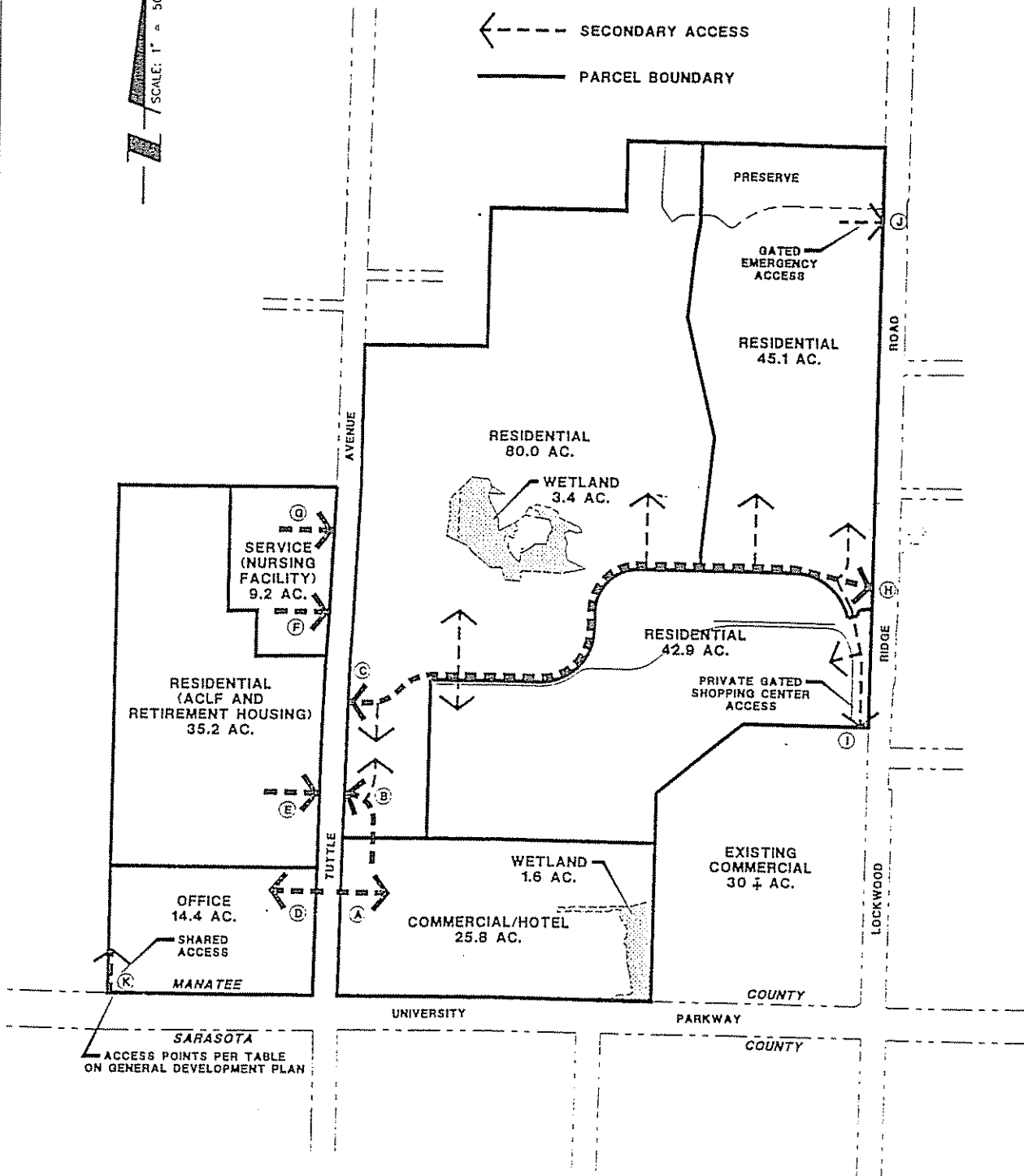
R.B. SHORE
Clerk of Circuit Court

By: Robin L. Lett D.C.

GRAPHIC LEGEND

- PRIMARY ACCESS
- SECONDARY ACCESS
- PARCEL BOUNDARY

SCALE: 1" = 500'



MAP H

MASTER DEVELOPMENT PLAN

REVISED 4-10-00 ADDED LETTER DESIGNATIONS FOR ACCESS POINTS TO MATCH G.D.P. (RGH)
 REVISED 03-28-00 ADDED SHARED & EMERGENCY ACCESS POINTS (RGH)
 REVISED 10-26-99 ADDED & DELETED CONNECTION STREET TO COMMERCIAL/HOTEL SITE (MJS)
 Apr. 11, 2000 - 09:33:03 RMAYESIX\ENG\2754\04\2754MAPH.dwg

PROJECT: UNIVERSITY COMMONS
 CLIENT: CENTEX HOMES

WilsonMiller

Planners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants

WilsonMiller, Inc.

Office: Fort Myers - Sarasota - Bradenton - Tampa

200 Professional Parkway East, Suite 100 - Sarasota, Florida 34240-4411 - Phone: 941-267-4200 - Fax: 941-267-4210 - Web Site: www.wilsonmiller.com

COUNTY	MANATEE	DATE	AUGUST 1999
SHEET	33	355	182
PROJECT NO.	S2754-201-000	PROJECT NO.	B-2754-201-000008
DATE BY/APP'D	MJS/1052	SHEET NO.	1

MJS
 4-11-00

MICHAEL W. ELLERS PE
 P.L.L.C.

EXHIBIT D

MANATEE COUNTY
SEWER USE ORDINANCE

98-28

AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
REGULATING THE USE OF THE COUNTY WASTEWATER
DELIVERY, TREATMENT AND DISPOSAL SYSTEM.

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND
REPLACING ORDINANCE 91-39; SETTING FORTH THE NECESSITY FOR
CONTROL OF THE USAGE OF THE PUBLIC WASTEWATER SYSTEM;
PROVIDING FOR ABBREVIATIONS AND DEFINITIONS; ESTABLISHING
GENERAL SEWER USE REQUIREMENTS; ESTABLISHING WASTEWATER
PRETREATMENT REQUIREMENTS; ESTABLISHING REGULATIONS FOR
HAULED WASTEWATER; REQUIRING WASTEWATER DISCHARGE PERMIT
APPLICATIONS FOR CERTAIN USERS; ESTABLISHING A PERMIT
ISSUANCE PROCESS; ESTABLISHING REPORTING REQUIREMENTS;
PROVIDING FOR COMPLIANCE MONITORING; PROVIDING FOR HANDLING
OF CERTAIN CONFIDENTIAL INFORMATION; PROVIDING FOR
PUBLICATION OF THE NAMES OF USERS IN SIGNIFICANT
NONCOMPLIANCE; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT
REMEDIES; PROVIDING FOR JUDICIAL ENFORCEMENT REMEDIES;
PROVIDING FOR SUPPLEMENTAL ENFORCEMENT ACTION;
ESTABLISHING AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS;
PROVIDING FOR ESTABLISHMENT OF FEES AND OTHER CHARGES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MANATEE COUNTY SEWER USE ORDINANCE 98-23

PASSED AND DULY ADOPTED by the Board of County Commissioners of
Manatee County, Florida this 1st day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *Paul H. Glass* Chairman

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

By: *R.B. Shore*

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 98-23 adopted by the
Board of County Commissioners of Manatee County
the 1st day of September, 1998.
of September, 1998.

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

MANATEE COUNTY SEWER USE ORDINANCE 98-23

(c) The user submitted notices as required under Paragraph C of this Section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Paragraph (D)(1) of this section.

SECTION 14 - FEES AND OTHER CHARGES

The County may adopt, by resolution, reasonable fees for reimbursement of costs of setting up and operating the County's Pretreatment Program, which fees may include:

- A. Fees for wastewater discharge permit applications, including the costs of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures, including the costs of collecting and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge plans and procedures and construction activities;
- D. Fees for filing appeals; and
- E. Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, charges, fines, and penalties chargeable by the County.

SECTION 15- SEVERABILITY

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16 - EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Office of the Secretary of State.

MANATEE COUNTY
SEWER USE ORDINANCE
98-28

AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
REGULATING THE USE OF THE COUNTY WASTEWATER
DELIVERY, TREATMENT AND DISPOSAL SYSTEM.

AN ORDINANCE OF MANATEE COUNTY, FLORIDA. SUPERSEDING AND REPLACING ORDINANCE 91-39: SETTING FORTH THE NECESSITY FOR CONTROL OF THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING FOR ABBREVIATIONS AND DEFINITIONS. ESTABLISHING GENERAL SEWER USE REQUIREMENTS; ESTABLISHING WASTEWATER PRETREATMENT REQUIREMENTS; ESTABLISHING REGULATIONS FOR HAULED WASTEWATER; REQUIRING WASTEWATER DISCHARGE PERMIT APPLICATIONS FOR CERTAIN USERS; ESTABLISHING A PERMIT ISSUANCE PROCESS; ESTABLISHING REPORTING REQUIREMENTS. PROVIDING FOR COMPLIANCE MONITORING; PROVIDING FOR HANDLING OF CERTAIN CONFIDENTIAL INFORMATION; PROVIDING FOR PUBLICATION OF THE NAMES OF USERS IN SIGNIFICANT NONCOMPLIANCE; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR JUDICIAL ENFORCEMENT REMEDIES; PROVIDING FOR SUPPLEMENTAL ENFORCEMENT ACTION; ESTABLISHING AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS; PROVIDING FOR ESTABLISHMENT OF FEES AND OTHER CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County of Manatee, a political subdivision of the State of Florida, is the owner and operator of a County Water and Wastewater System, pursuant to the provisions of Chapter 63-1596, Laws of Florida, as amended, the provisions of Chapter 153, Florida Statutes, the provisions of County Ordinances (codified as Chapter 2-31, Code of Laws of Manatee County) and other applicable provisions of law, together with resolutions duly adopted by the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, the Board of County Commissioners gave notice of a public hearing on an ordinance regulating the use of the County's wastewater system, and duly held said hearing,

In accordance with the foregoing and for the purposes herein stated, NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, as follows:

MANATEE COUNTY
SEWER USE ORDINANCE
98-28

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ORDINANCE NO. 98-28

SECTION 1 - GENERAL PROVISIONS

1.1 STATEMENT OF PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for all users of the Publicly Owned Treatment Works for the County of Manatee and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et. seq.*) and the General Pretreatment Regulations [Chapter 62-625, Florida Administrative Code (F.A.C.)]. This Ordinance supersedes and replaces Manatee County Ordinance 91-39.

The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To establish fees for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works;
- E. To enable Manatee County to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; and

MANATEE COUNTY SEW. USE ORDINANCE 98-28

- F To improve opportunities to recycle and reclaim wastewater and wastewater residuals.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Director of the Public Works Department or his/her duly authorized representatives shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated to the Industrial Compliance Manager or other county personnel.

1.3 ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification

MANATEE COUNTY SEWER USE ORDINANCE 93-23

TSS - Total Suspended Solids

U.S.C. - United States Code

1.4 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

A. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

B. Approval Authority. State of Florida Department of Environmental Protection.

C. Authorized Representative of the User.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.

MANATEE COUNTY SEWER USE ORDINANCE 98-28

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(4) The individuals described in Paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the County of Manatee.

D. Biochemical Oxygen Demand or BOD. The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l)

E. Byoass. The diversion of waste streams from any portion of an industrial user's treatment facility.

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Chapter 62-625.410, Florida Administrative Code (F.A.C.).

G. County The County of Manatee, Florida.

H. Director. The Director of the Manatee County Public Works Department, or his/her duly appointed and authorized deputies, agents, or representatives.

I. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

J. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

MANATEE COUNTY SEWER USE ORDINANCE 98-23

K. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

L. Indirect Discharge or Discharge. The introduction of pollutants into Manatee County's Sanitary Sewer Collection System from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

M. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

N. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts Manatee County's treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the County's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection and Sanctuaries Act.

O. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

P. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of

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the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds existing process or production equipment.

(3) Construction of a new source as defined under this paragraph is deemed to have commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation

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within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Q. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

R. Pass Through. A discharge which exits any of Manatee County's Wastewater Treatment Plants into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Manatee County's NPDES permit, including an increase in the magnitude or duration of a violation.

S. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity; or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

T. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

U. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

V. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into any of Manatee County's Wastewater Treatment Plants. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

W. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

X. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Y. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances.

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Z. Private Sewage Disposal System. Means a collecting, treating, and disposal facility installed, maintained and owned by persons other than the County which is discharging into Manatee County's Sanitary Sewer Collection System.

AA. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by Manatee County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

BB. Relative Standard Deviation (rsd). Relative standard deviation (rsd), also known as the coefficient of variation (CV), normalizes the standard deviation when directly comparing analytical results that vary over a wide range of values. Relative standard deviation is a percentage of what is being measured relative to sample mean.

CC. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

DD. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.)

EE. Significant Industrial User

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to any of the Manatee County Wastewater Treatment Plants, (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of any of the Manatee County Wastewater Treatment Plants, or;

(c) Is designated as such by Manatee County on the basis that it has a reasonable potential for adversely affecting the County's operations or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting Manatee County's operations or for violating any pretreatment standard or requirement, the County may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in Rule 62-625.500 (2)(E),

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Florida Administrative Code (F.A.C.), determine that such user should not be considered a significant industrial user.

FF. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this Ordinance.

GG. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

HH. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

II. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

JJ. User or Industrial User. Any person discharging wastewater into Manatee County's Sanitary Sewer Collection System.

KK. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are introduced into the Wastewater Treatment Plants of Manatee County.

LL. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of sewage and industrial waste.

MM. Waters of the State. Means any surface or groundwater located within the boundaries of the State of Florida or over which the State of Florida exercises jurisdiction.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No person or user, including an owner or operator of a private sewage disposal system, shall introduce or cause to be introduced into Manatee County's Sanitary Sewer Collection System any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Sanitary Sewer Collection System, whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

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B. Specific Prohibitions. No person or user shall introduce or cause to be introduced into Manatee County's Sanitary Sewer Collection System the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the Sanitary Sewer Collection System, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in Chapter 62-160, Florida Administrative Code (F.A.C.);
- (2) Wastewater having a pH less than 5.0 [or more than 11.5], or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference [but in no case solids greater than 15 millimeters in any dimension];
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with Manatee County's receiving wastewater treatment plants.
- (5) Wastewater having a temperature greater than [104°F (40°C)], or which will inhibit biological activity in a wastewater plant resulting in interference;
- (6) Petroleum oil, nonbiodegradeable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with this Ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a safety hazard, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Manatee County's NPDES permits;
- (11) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State or Federal regulations;

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(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director.

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, a treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the Sanitary Sewer Collection System;

(17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than [5%], or any single reading over [10%] of the Lower Explosive Limit of the meter.

C. The pollutants, substances, and wastewater prohibited in section B., above, shall not be processed or stored in such a manner that they could be discharged into Manatee County's Sanitary Sewer Collection System.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found in Chapter 62-625.410, Florida Administrative Code (F.A.C.) are hereby incorporated as if fully set forth herein, and all users shall comply with said standards.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Chapter 62-625.410 (4)(b), Florida Administrative Code (F.A.C.).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in Chapter 62-625.410 (6), Florida Administrative Code (F.A.C.).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in Chapter 62-625.700, Florida Administrative Code (F.A.C.), that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

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D A user may obtain a net gross adjustment to a categorical standard in accordance with Chapter 62-625.700 Florida Administrative Code (F.A.C.).

2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

<u>0.10</u>	mg/l arsenic
<u>9993</u>	mg/l BOD5
<u>250</u>	mg/l chloride
<u>0.05</u>	mg/l cadmium
<u>16.1</u>	mg/l chromium
<u>2.10</u>	mg/l copper
<u>0.98</u>	mg/l cyanide
<u>0.43</u>	mg/l lead
<u>0.03</u>	mg/l mercury
<u>0.04</u>	mg/l molybdenum
<u>0.86</u>	mg/l nickel
<u>180</u>	mg/l oil and grease
<u>0.12</u>	mg/l selenium
<u>4.05</u>	mg/l silver
<u>1146</u>	mg/l total suspended solids
<u>0.98</u>	mg/l zinc

The above limits apply at the point where the wastewater is discharged to Manatee County's Sanitary Sewer Collection System. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

2.4 Manatee County's Right of Revision

Manatee County reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to Manatee County's Sanitary Sewer Collection System.

2.5 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards.

or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County of Manatee under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense.

B. The users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the County of any accidental or slug discharge, as required by this Ordinance; and

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D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, handling and transfer of materials, loading and unloading of storage areas, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into a Manatee County Wastewater Treatment Plant only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate this Ordinance or any other requirements established by Manatee County. The Director shall require septic tank waste haulers to obtain wastewater discharge permits.

B. The Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Director shall require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards, and each waste hauler shall pay the full cost of any analysis of such samples. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a manifest form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characters of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The manifest shall be signed and logged in prior to a discharge.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Water Analysis

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

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4.2 Wastewater Discharge Permit Requirement

A. No significant industrial user shall discharge wastewater into Manatee County's Sanitary Sewer Collection System without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to this Ordinance may continue to discharge for the time period specified therein.

B. The Director may require other users to obtain wastewater discharge permits as deemed reasonably necessary to carry out the purposes of this Ordinance.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and shall subject the wastewater discharge permittee to the sanctions set out in this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal, State and local pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into any POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Director for a wastewater discharge permit in accordance with this Ordinance, and shall not cause or allow discharges to any POTW to continue beyond forty-five (45) days after the effective date of this Ordinance, except in accordance with a wastewater discharge permit issued by the Director.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into Manatee County's Sanitary Sewer Collection System must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this Ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:

A. All information required by this Ordinance;

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- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged into Manatee County's Sanitary Sewer Collection System;
- C. Number and types of employees, and hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed reasonably necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.7 Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the user and may require additional information within thirty (30) days of receipt of a complete wastewater discharge permit application. The Director will determine whether or not to issue a

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wastewater discharge permit. The Director may deny any application for a wastewater discharge permit, for good cause.

SECTION 5 -WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to Manatee County's Wastewater Treatment plants.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to Manatee County in accordance with this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge limits;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

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(5) A statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but not need be limited to, the following additional conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged into Manatee County's Sanitary Sewer Collection System;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharge into Manatee County's Sanitary Sewer Collection System;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed reasonably appropriate by the Director to ensure compliance with this Ordinance, and with State, Federal and local laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The Director shall provide written notice directly to the User or applicant and a public notice in a local newspaper of general circulation, of the issuance of a

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wastewater discharge permit. Any person, including the user or applicant, may petition the Director to reconsider the terms of a wastewater discharge permit or the denial of a permit, within thirty (30) days of notice of its issuance or denial.

- A. Failure to submit a petition for review within thirty (30) days of notice of the Director's decision, shall be deemed to be a waiver of any administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit or the denial thereof shall not be stayed pending the appeal.
- D. If the Director fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint in the Circuit Court in Manatee County, Florida, within the appropriate state limitations period.

5.4 Wastewater Discharge Permit Modification

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in any of Manatee County's Wastewater Treatment Plants that requires a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the County's Wastewater Treatment Plants, County personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;

- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of a grant or variance from categorical pretreatment standards pursuant to: Chapter 62-625.700, Florida Administrative Code (F.A.C.).
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to this Ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;

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- E. Tampering with the monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this Ordinance, a minimum of sixty [60] days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality or other governmental entity, or user located within another municipality or other governmental entity, contributes wastewater into Manatee County's Sanitary Sewer Collection System, the County shall enter into an inter-local agreement with the contributing municipality or other governmental entity.

B. Prior to entering an agreement required by Paragraph A, above, the Director shall request the following information from the contributing government:

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- (1) A description of the quality and volume of wastewater discharged into Manatee County's Sanitary Sewer Collection System by the contributing government;
 - (2) An inventory of all users located within the contributing government's territory that are discharging into Manatee County's Sanitary Sewer Collection System; and
 - (3) Such other information as the Director may reasonably deem necessary.
- C. Any inter-local agreement, as required by Paragraph A, above, entered into after the effective date of this Ordinance, shall contain the following provisions:
- (1) A requirement for the contributing government to adopt a Sewer Use Ordinance which is at least as stringent as this Ordinance, and local limits which are at least as stringent as those set out in this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to Manatee County's ordinance or local limits;
 - (2) A requirement for the contributing government to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing government; which of these activities will be conducted by the County; and which of these activities will be conducted jointly by the contributing government and the County;
 - (4) A requirement for the contributing government to provide the Director with access to all information that the contributing government obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing government's wastewater at the point where it discharges into Manatee County's Sanitary Sewer Collection System;
 - (6) Requirements for monitoring the contributing government's discharge;
 - (7) A provision ensuring the Director access to the facilities of the users located within the contributing government's jurisdiction boundaries for the purpose of inspection, sampling, and any other duties deemed reasonably necessary by the Director; and

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(8) A provision specifying remedies available for breach of the terms of the interlocal agreement.

D. Any government entity contributing wastewater to Manatee County's Sanitary Sewer Collection System on the effective date of this Ordinance, without an interlocal agreement containing all of the above provisions, shall be automatically subject to all the discharge-related requirements and enforcement-related provisions of this Ordinance.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under Chapter 62-625.600, Florida Administrative Code (F.A.C.), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed on Paragraph B below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in Paragraph B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge into Manatee County's Sanitary Sewer Collection System.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined formula set out in Chapter 62-625.410 (6), Florida Administrative Code (F.A.C.).

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(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Ordinance.

(c) Sampling must be performed in accordance with procedures set out in this Ordinance.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

(9) All baseline and self monitoring reports must include quality assurance calculations of recent spike resources and rsd calculations.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by this Ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major

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components, commencing and completing construction, and beginning and conducting routine operation):

E. No increment referred to above shall exceed nine (9) months:

C. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Chapter 62-625.600 (3), Florida Administrative Code (F.A.C.), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

6.4 Periodic Compliance Reports

A. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by treatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

B. All wastewater samples must be representative of the user's discharge during the period covered by the report. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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C. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Director of any planned significant changes to the operation or system which might alter the nature, quality, or volume of its wastewater at least sixty [60] days before the change.

A. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application pursuant to this Ordinance.

B. The Director may issue a wastewater discharge permit pursuant to this Ordinance or modify an existing wastewater discharge permit pursuant to this Ordinance in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty-five percent (25%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to any of Manatee County's Wastewater Treatment Plants, natural resources, or any damage or injury to persons or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Paragraph A above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

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6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may reasonably require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

A. A user shall notify the Director, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities, in writing, of any discharge into Manatee County's Sanitary Sewer Collection System of a substance which, if otherwise disposed of, would be a hazardous waste under Chapter 62-730, Florida Administrative Code (F.A.C.). Such notification must include the name of the hazardous waste as set fourth in Chapter 62-625.600 (15)(a), Florida Administrative Code (F.A.C.), the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms of such waste per calendar month into Manatee County's Sanitary Sewer Collection System, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under this Ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this Ordinance.

B. Dischargers are exempt from the requirements of Paragraph A above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Chapter 62-625.600 (15)(b), Florida Administrative Code (F.A.C.). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Chapter 62-625.600 (15)(b), Florida Administrative Code (F.A.C.), requires a one time

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notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, shall be performed in accordance with techniques prescribed in Chapter 62-160, Florida Administrative Code (F.A.C.), unless otherwise specified in an applicable categorical pretreatment standard. If Chapter 62-160, Florida Administrative Code (F.A.C.), does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA.

6.11 Sample Collection

A. Except as indicated in Paragraph B below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked, if mailed. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

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6.13 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the names of the person(s) taking the samples; the dates analysis were performed; who performed the analysis; the analytical techniques or methods used; and the results of such analysis. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the user has been specifically notified of a longer retention period by the Director.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director, and his/her representatives, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director, or his representatives, shall have the right to set up on the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The Director may require the user to install monitoring equipment as deemed reasonably necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user, at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

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E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Ordinance.

7.2 Administrative Search Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County may seek issuance of an administrative search warrant from the Circuit Court of Manatee County.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable public records laws. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by Chapter 62-625.800, Florida Administrative Code (F.A.C.), will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF NAMES OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director shall publish annually, in a local newspaper of general circulation, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

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- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation which the Director believes has caused either alone or in combination with other discharges, interference or pass through, including endangering the health of County personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of his/her emergency authority to halt or prevent such a discharge;
- E. Failure to meet, with ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s) which the Director reasonably determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

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10.2 Consent Orders

The Director may enter into Consent Orders, assurances of voluntary compliance, or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least twenty (20) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. If the alleged violating user is represented at the hearing by counsel, the County shall likewise be represented by the Office of the County Attorney or other assigned counsel.

0.4 Compliance Orders

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer system. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

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10.5 Cease and Desist Orders

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Administrative Hearings

Any administrative fines provided for this Ordinance shall be imposed only after the following hearing procedure has been complied with:

- A. The Director shall provide the alleged violating user with written notification of the specific violation(s) and the applicable sections of this Ordinance.
- B. The notification provided in Subsection A above shall inform the alleged violating user of a date, time and place for an administrative hearing, which hearing shall occur no earlier than ten (10) days after the violator's receipt of the notification.
- C. The Director shall preside over the administrative hearing and shall entertain testimony and evidence.
- D. The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.
- E. If the alleged violating user is represented at the hearing by counsel, the County shall likewise be represented by the Office of the County Attorney or the other assigned counsel.
- F. The Director shall issue written findings as soon after the hearing as is possible.

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G. The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to the Director no later than ten (10) days after the violator's receipt of the Director's written findings. The appeal shall be heard by the Board of County Commissioners within forty-five (45) days after the Director's receipt of the notice of appeal.

10.7 Administrative Fines

A. When, at the conclusion of an administrative hearing, the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed two-thousand dollars (\$2000.00) per violation. Such fines may be assessed on a per day basis, in the event of a multiple-day or continuing violation.

B. Unpaid charges, fines, and penalties shall after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property may be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount, within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Levying of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.8 Emergency Suspensions

The Director may immediately suspend a user's permit or discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's permit or discharge, after notice and opportunity to respond, that threatens to interfere with the operation of any of Manatee County's Waste Water Treatment Plants, or which presents, or may present an endangerment to the environment.

A. Any user notified of a suspension of its permit or discharge shall immediately stop or eliminate its discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed

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necessary, including immediate severance of the sewer connection, to prevent or minimize damage to any of Manatee County's Wastewater Treatment Plants, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in this Ordinance are initiated against the user. The user shall pay all costs associated with reconnection to Manatee County's Sanitary Sewer Collection System.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under this Ordinance. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.9 Termination of Discharge

In addition to the other provisions of this Ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to change;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Director finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Circuit Court of Manatee County for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provisions of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the County of Manatee for a maximum civil penalty of two-thousand dollars (\$2000.00) per violation, per day.
- B. The County may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Criminal Prosecution

- A. A user who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two-thousand dollars (\$2000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

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B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of misdemeanor punishable by a fine not more than two-thousand dollars (\$2000.00), or be subject to imprisonment for not more than sixty (60) days, or both. This punishment shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than two-thousand dollars (\$2000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Furthermore, the Director is empowered to take more than one enforcement action against any non-compliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Surety Bonds

The Director may decline to issue or reissue a wastewater discharge permit to any user who fails to comply with any provisions of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user files a satisfactory surety bond, payable to Manatee County, in a sum determined by the Director to be necessary to achieve consistent compliance.

12.2 Liability Insurance Or Other Financial Assurance

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply or continues to fail to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained liability insurance or other financial assurances sufficient to restore or repair damage to Manatee County's Sanitary Sewer Collection System and its Wastewater Treatment Plants.

12.3 Termination of Water Service

Whenever a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be terminated. Service will only recommence, at the user's expense, after he/she/it has satisfactorily demonstrated his/her/its ability to comply.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

A. For the purpose of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Paragraph (C) below are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

MANATEE COUNTY SEW. L. USE ORDINANCE 98-28

(3) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, is lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in this Ordinance or the specific prohibitions in this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Manatee County was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

MANATEE COUNTY SEWER USE ORDINANCE 98-28

13.3 Bypass

A. For the purpose of this section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the user's treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs C and D of this section.

C. (1) If a user knows in advance of the need for a bypass, he/she/it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Director of a unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

MANATEE COUNTY SEWER USE ORDINANCE 98-28

(c) The user submitted notices as required under Paragraph C of this Section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Paragraph (D)(1) of this section.

SECTION 14 - FEES AND OTHER CHARGES

The County may adopt, by resolution, reasonable fees for reimbursement of costs of setting up and operating the County's Pretreatment Program, which fees may include:

- A. Fees for wastewater discharge permit applications, including the costs of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures, including the costs of collecting and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge plans and procedures and construction activities;
- D. Fees for filing appeals; and
- E. Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, charges, fines, and penalties chargeable by the County.

SECTION 15- SEVERABILITY

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16 - EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Office of the Secretary of State.

MANATEE COUNTY SEWER USE ORDINANCE 98-23

PASSED AND DULY ADOPTED by the Board of County Commissioners of
Manatee County, Florida this 1st day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *William H. Glass* Chairman

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

By: *Susan B. Shore*

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 98-23 adopted by the
Board of County Commissioners of Manatee County
the 1st day of September, 1998.
of September, 1998.

R. B. Shore
Clerk of Circuit Court
By: *Susan B. Shore* D.C.

STATE OF FLORIDA COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 12th day of May 2000.

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



DRI #190

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

August 18, 1999

CERTIFIED MAIL
P 368 649 928

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

Re: Development Order for University Commons, DRI # 19

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 99-38, the amended Development Order for the University Commons, as adopted in open session by the Manatee County Board of County Commissioners on August 3, 1999, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Norm Luppino

Norm Luppino
Planning Manager

NL/ks
Enclosure

ORDINANCE 99-38

DRI #19 UNIVERSITY COMMONS

GRANTING AMENDMENTS TO AND REPLACING
ORDINANCE 92-31, AS AMENDED BY ORDINANCE 93-54

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #19, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 28, 1988, University Commons, L.P., hereinafter referred to as the "Developer*", filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County adopted Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact; and

WHEREAS, the Department of Community Affairs appealed Ordinance 92-31 within the statutory time frame allowed; and

WHEREAS, the Developer* entered into a settlement agreement with the Department of Community Affairs (DCA) resolve their concerns; and

WHEREAS, on January 4, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-54) for the University Commons DRI, adopting language to settle administrative action between the Department of Community Affairs, and University Commons; and

WHEREAS, the developers of University Commons have proposed changes to the Development Order to extend the buildout dates; and

WHEREAS, this approval incorporates a new Map H, which includes modifications that were administratively approved by the Planning Department.

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Commons, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notice of Proposed Change (NOPC) for an amendment to an approved Developments of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on this NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the Board of County Commissioners of Manatee County on June 29, 1999, July 6, 1999, July 27, 1999, and August 3, 1999 held duly a noticed public hearing on the NOPC to amend and replace Ordinance 92-31, (as amended), and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 3rd DAY OF August, 1999, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer* has received County approvals for and has commenced development in the development, consistent with Ordinance 92-31, as amended by Ordinance 93-54.
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance to extend buildout dates by 3 years and 364 days.

- D. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for the NOPC, in addition to the application for amendment of the Zoning Ordinance. The report was rendered on June 10, 1999, following public hearing.
- E. The Board of County Commissioners held public hearings on June 29, 1999, July 6, 1999, July 27, 1999, and August 3, 1999 regarding the NOPC and proposed Zoning Ordinance Amendment, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code), and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearings.
- F. The proposed changes to the DRI are found to be consistent with the requirements of The 2020 Manatee County Comprehensive Plan, provided the Development* proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- G. The "Developer* submitted to the County an NOPC which is incorporated herein by reference.
- H. The real property which is the subject of this Development Order is legally described in Section 8 of this Development Order.
- I. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent for the Developer* is Mr. Caleb Grimes of Grimes, Goebel, Grimes, Hawkins, and Gladfelter, and his address is 1023 Manatee Avenue West, Bradenton, FL 34205.
- K. The owners of the property, and the Developer*, are Phy Matrix Corporation, Lifecare Health Resources, Inc, and 950 Cambridge Corporation.
- L. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region, (A Comprehensive Regional Policy Plan), and The 2020 Manatee County Comprehensive Plan.

- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- C. That the review by the County, the Planning Commission, TBRPC, and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- D. This Ordinance replaces Ordinance 92-31 (as amended by Ordinance 93-54) in its entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Subsection 380.06(19)(c), Florida Statutes, the changes proposed pursuant to the NOPC submitted on November 11, 1998 and approved pursuant to Ordinance 99-38, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEVELOPMENT COMPONENTS

- A. Subject to the possible exchange of land uses as described elsewhere herein, the Development* consists of the area and land uses by phase described in Columns A through F of Table 1. Phase I of the Development* is specifically approved subject to the conditions found within the Development Order and subject to additional concurrency review for items listed in Section 5.A.(2). Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to Vertical Development* of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity needed to serve Phase II is or will be adequate to meet such impacts of Phase II when such impacts occur. The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity for Phase II shall be made in accordance with the current Manatee County concurrency requirements or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the current Manatee County or Sarasota County concurrency requirements, or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage, and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-(2003) ¹	Column C Phase II 1998-(2008) ¹	Column D Total Sq. Ft.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum N/A
IL (Residential)	484 lus	242 lus	—	726 lus	58	N/A
PC (Residential)	160 lus	80 lus	---	240 lus	10	120/320 lus
SN (Service)	120 beds	120 beds	---	240 beds	12.5	0/240 beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL ² (Retail)	305,000 sq. ft.	10,000 sq. ft.	315,000 sq.ft.	—	33.8	N/A
MED. OFFICE (Office)	86,000 sq. ft.	10,000 sq. ft.	96,000 sq.ft.	---	17.2	96,000/175,000 sq. ft.
OUT PATIENT (Office)	24,000 sq. ft.	24,000 sq. ft.	48,000 sq.ft.	---	8.5	24,000/60,000 sq. ft.
MED CENTER (Office) (Total of Medical Office and Out Patient)	110,000 sq. ft.	34,000 sq. ft.	144,000 sq.ft.	---	25.7	120,000/235,000 sq. ft.
SUPPORT OFFICE (Office)	45,000 sq. ft.	—	45,000 sq.ft.	---	4.5	N/A
GOLF COURSE (Attraction Recreation)	1 golf course	—	1 golf course	—	118.4	N/A
GENERAL OFFICE (Office)	27,140 sq. ft.	176,664 sq. ft.	203,804 sq. ft.	—	8.6	10,000/250,000 sq.ft.
HOSPITAL (Hospital)	—	—	—	—	—	234 beds

¹Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

²Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements, which would currently require 1,280 parking spaces for the retail uses approved on-site including the existing 250,000 square foot shopping center.

3. Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.
2. Table 1 incorporates a prior Section 380.06(19)(e)2, Florida Statutes, 3 year extension and a twenty month and fifteen day tolling period resulting from an appeal of the original Development Order by DCA to Phases I and II of the Development*. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

The amounts of the various uses within the Development* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan, as required by the Manatee County Land Development Code, Ordinance 90-01, to allow flexibility in the exact land use mix shown in Columns D and E of Table 1 above, provided that the final Development* meets the following conditions:

- a. Exchanges of land uses for the Project* may not exceed the parameters denoted in Column G of Table 1 above, where applicable.
- b. The following uses designated in Table 1 shall remain as proposed; Independent Living Facilities, Hotel, Commercial, Support Office, and Golf Course.
- c. The Development* shall be limited to the uses identified in Table 1 of this Development Order unless and until the Developer* applies for and is granted a Comprehensive Plan Amendment for the hospital site, changing the Future Land Use Map ("FLUM") to Public/Semi-Public (2) Future Land Use Category, or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed as part of this DRI. If the Developer* obtains the said amendment to the Comprehensive Plan, the hospital shall not require an amendment to the Development Order or Map H. The Development* shall be constructed in accordance with the phase schedule listed in Table 1.

In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer* will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

A subsequent phase will be deemed to have commenced at the beginning of a calendar year indicated as the beginning of a phase as shown in Table 1 or when the Development* has utilized the capacity set aside for the preceding phase in any one of the following: transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation. The Development*

status will be monitored by the County Through the Certificate of Level of Service Compliance process.

The Land Use Exchange request shall contain information sufficient to enable the County to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The impacts will be measured based upon the relevant factors currently used by the County (e.g., EDU tables, solid waste generation factors, etc.). The Developer* shall verify the appropriate factors with County staff prior to the submittal of any such Land Use Exchange request.

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic, and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor/generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution and/or particular roadway segments designated by the County.

The Developer* has provided a conversion matrix, attached hereto as a part of Exhibit A, which generally shows equivalent impacts between land uses which may be converted. This conversion matrix is to be considered the maximum conversion in land use which will be allowed, however, the methodology provided for in Section 3.A.2.c shall be utilized to determine if a specific exchange should be further limited.

The Developer* shall immediately notify the TBRPC and the DCA of all land use conversions authorized by the Board of County Commissioners under the procedure set forth above.

Any amendments to the land use mix or proposed phasing schedule (Table 1), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992, and April 27, 1992 and revised Map H dated October 7, 1991, and the NOPC submitted on November 6, 1998.
- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- D. "Developer" shall mean Phy Matrix Corporation, Lifecare Health Resources, Inc, and 950 Cambridge Corporation, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA*, and/or this Development Order herein, to be constructed on the real property described in Section 8.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process or construction drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment", "Funding", "Funded" or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit or other financial security deemed acceptable by Manatee

County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.

- H. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:
1. existing topography;
 2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.
- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- K. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA*.
- L. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- M. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or

intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

- A.(1) This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order. Phase I is specifically approved subject to the conditions of this Development Order and concurrency review for items listed in Section 5.A.(2). Phase II is conceptually approved subject to further Section 380.06(6), Florida Statutes, analysis and review on affordable housing, air quality, and transportation. The Development Order shall be amended to grant specific approval to Phase II. Development of the hospital referenced in Section 3.A.2.c is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.
- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*. Roadway capacity shall be analyzed on a cumulative basis for purposes of an impact analysis.
- A.(3) Phase I is approved until September 14, 2003, subject to additional concurrency review for items listed in Section 5.A.(2) above. Should adequate capacity not exist for the development of the that portion of Phase I sought to be developed, no approvals shall be granted until adequate capacity becomes available, the developer commits to provide capacity improvements through a Land Development Agreement, or the developer makes the improvement required to maintain the adopted Level of Service.
- A.(4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Development Order. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building

Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

B.(l) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Tables 2 and 3. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted*.

TABLE 2

Phase 1 (1997) Required Link Improvements for University Commons

Roadway Segment Improvement Number	Road Segment	Total Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	I-75 (West) to I-75 (East)	D	6.6	Construct 2nd NB off-ramp lane at I-75.
2.	I-75 (West) to I-75 (East)	D	9.5	Construct 2nd SB on-ramp lane at I-75.

Airport Connector Road (located within Sarasota County)

TABLE 3

Phase I (1997) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.8	Signalize when MUTCD Warranted*
	University Parkway (partially within Sarasota County)			
2.	U.S. 301	F	8.6	Construct 2 nd NB & SB left turn lanes.
3.	I-75 (West Side)	F	9.1	Construct 3 rd thru lane EB & WB. Signalize when MUTCD Warranted*
4.	I-75 (East Side)	F	11.6	Construct 2 nd left turn lane NB & EB. Signalize when MUTCD Warranted*
5.	Tuttle Avenue at Project Access	N/A	N/A	Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn, & 1 thru lane EB & WB. Signalize when MUTCD Warranted*.
6.	Lockwood Ridge Road at Project Access B	N/A	N/A	Signalize when MUTCD Warranted*.
7.	Lockwood Ridge Road at Project Access C	N/A	N/A	Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted*
8.	Lockwood Ridge Road at Project Access Drive C-1	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m.

peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by Responsible Entities* Concurrent* with the impacts of the Development*.

2. Intersection Improvement #1 shall be Funded* by the Developer* prior to any Vertical Development*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for the permitting and construction/installation of signalization. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* of this intersection improvement shall be listed as a condition in any Certificate of Level of Service Compliance ("CLOS") issued for the Development*.
3. The County shall Fund* the construction of and construct the improvement identified for intersection #2. Intersection improvement #2 has been Funded* by Manatee and Sarasota Counties and is currently under construction.
4. The County shall Fund* the construction of and construct a southbound right turn lane at the intersection of University Parkway/Tuttle Avenue. This intersection improvement shall be constructed Concurrent* with the impacts of the Development* and shall be listed as a condition in any CLOS for the Development*.
5. Intersection Improvements #3 and #4 will be Funded* by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization. Should intersection improvements #3 and #4 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by the Developer*, Concurrent* with the impacts of the Development*.
6. Intersection Improvement #5 shall be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvement #5 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize this access drive (i.e., Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvement #5. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction

of this intersection improvement shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.

7. Intersection Improvements #6, #7, and #8 will be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvements #7 and #8 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., the Commercial and Golf Course portions of the Development*). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvements #6 and #7. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
8. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway).
9. By satisfying provisions B.(1)(a) 1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C. The concurrency requirements of Sarasota County are attached to this Development Order as Exhibit "C".

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in

rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B.(2) The future roadway improvements assumed in the transportation analysis for the Development* consist of:

- (a) Lockwood Ridge Road as a four lane facility between University Parkway and DeSoto Road; and
- (b) Lockwood Ridge Road as a four lane facility between DeSoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

B.(3) The Developer* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

B.(4) Beginning with the first annual report required by the Development Order (April 15th), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B.(5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.

B.(6) The Developer* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the County, the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 single family residential units (or the equivalent thereof in terms of trip generation) constructed after issuance of the Development Order for the University Commons DRI.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to further the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

Policy: Promote ridesharing by public and private section employees.

OBJECTIVES:

- Increase urban area peak hour automobile occupancy rates by 10 percent by 2001 through expanded ridesharing efforts.
 - Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 2001.
- B.(7) The Phase II transportation impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the Manatee County or Sarasota County concurrency requirements in effect at the time of the Developer's* application for Certificate of Level of Service. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability through a notice of proposed change pursuant to Section 380.06(19), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any transportation mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.
- B.(8) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the area marked "Skilled Nursing/Personal Care" on the University Commons Master Plan.

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-and 14-3 of the ADA* shall be required.

Wetlands:

- D.(1) All existing jurisdictional wetlands to remain on-site or wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas, pursuant to policy 10.1.2, FRCRPP, and impacts thereto shall be minimized.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.
- D.(6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Management Department ("EMD"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.

- E.(2) Areas of the Development* which meet the conservation definition set forth in TBRPC policy 10.1.2, FRCRPP, shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".
- E.(3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact through incorporation into the golf course or a passive park, or mitigated in accordance with FGFWFC policies and approved by the County and the EMD.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC, and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage:

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.

- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting, or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EMD. Collected data shall be furnished to the County, the EMD, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDEP for review, and to the County and the EMD for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste:

- H.(I) Within one year of the effective date of Ordinance 93-54, or prior to issuance of any building permits for the Development*, whichever occurs later, the Developer* shall prepare a hazardous substances (including biohazardous waste) and a hazardous waste management plan which shall be reviewed and approved by the County, the EMD, the FDEP and the TBRPC, and then distributed by the Developer* to residential and nonresidential land users within the DRI. At a minimum, the plan shall:
- o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;

- o indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designated containers;
 - o describe generally improper disposal methods;
 - o describe generally appropriate disposal methods;
 - o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - o describe a program to inform owners and tenants of the information contained in the plan;
 - o describe construction requirements for hazardous waste storage areas;
 - o describe typical spill cleanup methods; and
 - o be updated and distributed to each non-residential tenant annually.
- H.(2) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(3) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(4) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EMD, and any state or federal agency or agencies with jurisdiction.

Energy:

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

- o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
- o promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- o institute and utilize recycling programs;
- o utilize energy efficient packaging or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing:

- J.(1) The Developer* shall provide, on an as-needed basis, living units (with a varying number of bedrooms) which are accessible to, and adapted for use by, the handicapped.
- J.(2) It is strongly encouraged that the Developer*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.
- J.(3) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any affordable housing mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.
- J.(4) One hundred percent of the residential component of the Development* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

- L.(1) After September 14, 1999, commencement of the remainder of Phases I and II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phases I and II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phases I and II, development of such portion may proceed, with development of the balance of Phases I and II being subject to future determinations as to wastewater capacity availability.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
 - (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.
- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39) (See Exhibit E).

- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for sanitary sewer for approval by the Planning Department. The sanitary sewer conceptual master plan shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

Water:

- M.(1) After September 14, 1999, commencement of the remainder of Phases I or II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phases I or II, or the subphase thereof to be developed. Such Phases I and II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phases I or II, development of such portion may proceed, with development of the balance of Phases I or II being subject to future determinations as to potable water capacity availability.
- M.(2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater, or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state, or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department. The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning Department:
- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) After September 14, 1999, commencement of the remainder of Phases I or II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phases I or II, or the subphase thereof to be developed. Such Phases I and II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phases I or II, development of such portion may proceed, with development of the balance of Phases I or II being subject to future determinations as to solid waste capacity availability.
- N.(2) The applicant will investigate appropriate recycling efforts both during and after construction and report on this in each Annual Report.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas

shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.

- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.
- P.(4) Recreation and open space areas shall be designed with due regard to both golfers and nongolfers. A passive recreational oriented open space area shall be provided for the nongolfing residents of the Development*. The area shall be at least two acres in size, provided prior to the commencement of Phase II, and located to provide easy access to guests/residents of the Development*.
- P.(5) For purposes of Subsection 5.P. of this Development Order, the term "open space" does not include areas defined as "conservation" in Subsections 5.D. and 5.E. of this Development Order.

Police, Fire, and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County, fire district and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.
- Q.(4) The commitments of the Developer* as discussed in the ADA* regarding health care for residents, shall be specifically required.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for

specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state, and federal requirements.
- S.(2) In the event that the proposed hospital is constructed, that facility shall coordinate with other area hospitals which are vulnerable to flooding and that would be required to evacuate. This coordination would include the possibility of being a partial "host facility" in the temporary sheltering and assistance of patients that would require evacuation. (Assistance regarding this matter should be obtained and coordinated through the Chief of the Manatee County Chapter of the American Red Cross.)

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;

- c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
 - d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, TBRPC, or the DCA and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. A statement of the number of school age children residing within the Development*;
 - l. A list of the entry ages of the residents moving into the Development* within the recording period;
 - m. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
 - n. Reports or information pursuant to conditions B.(4), B.(6), F.(2), G.(3)(d.), H.(2), H.(3), L.(4) and N.(2) of this Section 5.
- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time

that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

- T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for.

A. General Commitments

All of the residential components will be served by a community center, including social area, and an outdoor recreation complex.

The Development* will be designed to incorporate open space, landscaped green space, and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

The largest contiguous portion of the 7.6 acre mixed hardwood/pine community will be incorporated within the edge of the golf course fairway. (SR5, Page 2)

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

Future water quality enhancements will be accomplished by a multiple step process: 1) runoff will be detained for a minimum three day period in the detention/retention areas to induce the settling of particulates in accordance with Chapter 40D-4, F.A.C.; 2) vegetated littoral shelves will encompass a minimum of 35% of pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

1. To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286 acres currently owned by Phy Matrix Corporation, Lifecare Health Resources, Inc., and 950 Cambridge Corporation and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the Board of County Commissioners; however no development shall occur until the expiration of the appropriate appeal for this Development Order expired. If more than five years shall have elapsed between approval of this Development Order and commencement of development under County Development Approval*, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Prior to September 14, 2003, the County may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

The Clerk of the Circuit Court is hereby directed to send certified copies of this Development Order to the Secretary of State within ten (10) days of the Board of County Commissioners approval date of this Development Order. Upon the receipt of an official acknowledgment from the Secretary of State's office, but no later than thirty (30) days, the Planning Department shall send certified copies of this Development Order to the Developer*, DCA, and TBRPC.

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

SECTION 14. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this Development Order in accordance with Section 380.06 (15) (f), Florida Statutes, and shall furnish the Planning Department with a copy of the recorded notice.

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 17. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order and is for administrative convenience and is not intended to provide a new point of entry for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

ADOPTED AND APPROVED with a quorum present and voting the 3rd day of August, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Stan Stephens

Chairman

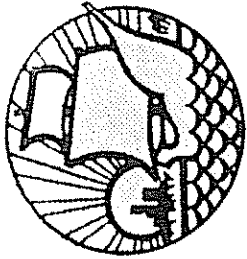
ATTESTOR: B. SHORE
Clerk of the Circuit Court

B. Shore

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 4 day of August 1999

R. B. SHORE
Clerk of Circuit Court

By *B. Shore*



MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

190

January 12, 1994

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
#P 260 314 478

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


Dear Ms. Greene:

Please find enclosed a certified copy of Manatee County Ordinance 93-54, the ordinance which amends the Development Order for University Commons (Manatee County DRI #19, AKA Tampa Bay Regional Planning Council [TBRPC] DRI #190) to resolve the concerns raised by the Department of Community Affairs (DCA) in their appeal of Ordinance 92-31 adopting DRI #19. This document was approved by the Manatee County Board of County Commissioners in open session on January 4, 1994.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

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

Sincerely,


Betsy Banac
Assistant Director

BB/jy
Enclosure

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

EXHIBIT "A"

ORDINANCE 93-54

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE UNIVERSITY COMMONS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS TERPC DRI #190; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Chetlain, seconded by Commissioner Hooper, the following ordinance was adopted by a vote of 7 to 0.

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County (the "Board of County Commissioners") adopted a Development Order, Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact (DRI No. 190) (the "University Commons DRI"); and

WHEREAS, on June 16, 1992, Manatee County (the "County") rendered the Development Order to the State of Florida Department of Community Affairs (the "Department"), the Tampa Bay Regional Planning Council ("TERPC"), and the Owner/Developer of the University Commons DRI, University Commons, L.P. ("University Commons"); and

WHEREAS, on July 31, 1992, and pursuant to Section 380.07, Florida Statutes, the Department filed an administrative appeal of the Development Order with the State of Florida Land and Water Adjudicatory Commission (Case No. APP-92-037) (the "Appeal"), based on the Department's claim that the Development Order does not adequately address certain issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses; and

WHEREAS, University Commons and the County dispute the Department's claim and contend that the Development Order adequately addresses all applicable issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses, and that the Development Order is otherwise consistent and in compliance with all applicable laws, rules and regulations including, Chapters 163, 187 and 380, Florida Statutes; Chapters 9J-2 and 9J-5, Florida Administrative Code ("F.A.C."); the "Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region" (the "FRCRPP"); the TBRPC's Final Report and Recommendations concerning the University Commons DRI; the Manatee County Comprehensive Plan; and the Manatee County Land Development Code; and

WHEREAS, to avoid the expense and uncertainty of litigating the disputed issues raised in the Appeal, the Department and University Commons negotiated and reached agreement as to specific revisions to the Development Order which, if adopted by the Board of County Commissioners, would satisfy the Department that the said disputed issues raised in the Appeal have been fully and properly addressed and resolved; and

WHEREAS, the TBRPC has duly reviewed and analyzed this Ordinance (alternatively referred to as this "Development Order Amendment"), including the specific revisions to the Development Order as set forth herein, and has found it to be consistent and in compliance with the FRCRPP and the TBRPC's Final Report and Recommendations concerning the University Commons DRI, and do not constitute a substantial deviation requiring further development of regional impact review pursuant to Subsection 380.06(19), Florida

Statutes; and

WHEREAS, The Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider this Development Order Amendment; and

WHEREAS, all public notice requirements applicable to this Development Order Amendment have been adhered to and fulfilled; and

WHEREAS, The Board of County Commissioners of Manatee County, on the 4th day of January, 1994, held a duly noticed public hearing on the proposed amendment to the Development Order and has solicited, received and considered all testimony, reports, comments, evidence and recommendations submitted by all interested parties, departments, agencies and members of the general public.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 4TH DAY OF JANUARY, 1994, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners hereby makes the following findings of fact:

- A. The Development Order for the University Commons Development of Regional Impact, which was approved on June 3, 1992 and rendered by the County on June 16, 1992, was appealed on July 31, 1992 by the Department.
- B. To avoid the expense and uncertainty of litigating the various disputed issues raised in the Appeal, the Department and University Commons negotiated and reached agreement as to specific revisions of the Development Order which, if adopted by the Board of County Commissioners, would require the Department to voluntarily dismiss the Appeal.
- C. The Board of County Commissioners has received and considered the said specific revisions to the Development Order, which specific revisions are set forth in Section 3. of this Development Order Amendment.
- D. The Board of County Commissioners held a duly noticed public hearing on January 4, 1994 regarding the Development Order Amendment, and has considered all testimony, reports, comments, evidence and recommendations from all interested parties, departments, agencies and members of the general public.
- E. All statutory procedures, and all procedures required by agency rule or local government regulation or policy, have been duly adhered to.

SECTION 2. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:
 1. The Development* will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
 2. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay

Region, and The Manatee County Comprehensive Plan, Ordinance 89-01, as amended.

3. The Development*, as conditioned by this Development Order Amendment, is consistent with the report and recommendation of TBRPC issued on April 8, 1991.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described in the original Development Order, subject to the conditions, restrictions and limitations set forth in the Development Order, as modified by this Amendment.
- C. That the review by the County, the Planning Commission, the TBRPC and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Development Order, this Amendment and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order Amendment, the terms and conditions of this Development Order Amendment shall prevail.

SECTION 3. REVISIONS TO DEVELOPMENT ORDER:

The Development Order is hereby amended as follows:

- A. Footnote 2 of Table 1 in Section 3. of the Development Order is amended to read:

Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30+ acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements, which would currently require 1,280 parking spaces for the retail uses approved on-site including the existing 250,000 square foot shopping center.
- B. Section 4. of the Development Order is amended by adding the following definitions:

"Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element. roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be

within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.

"Funding Commitment", "Funding", "Funded" or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.

"Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.

- C. Subsection 5.A.(1) of the Development Order is amended to read:

This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order. Phase I is specifically approved. Phase II is conceptually approved subject to further Section 380.06(6), Florida Statutes, analysis and review on affordable housing, air quality and transportation. The Development Order shall be amended to grant specific approval to Phase II. Development of the hospital referenced in Section 3.A.2.c is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive

medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

- D. Subsection 5.B.(1)(a) of the Development Order is amended to read:

Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Tables 2 and 3. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted*.

- E: Subsection 5.B.(1)(a) 1. of the Development Order is amended to read:

Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by Responsible Entities* Concurrent* with the impacts of the Development*.

- F. Subsection 5.B.(1)(a) 2. of the Development Order is amended to read:

Intersection Improvement #1 shall be Funded* by the Developer* prior to any Vertical Development*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for the permitting and construction/installation of signalization. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* of this intersection improvement shall be listed as a condition in any Certificate of Level of Service Compliance ("CLOS") issued for the

Development*.

- G. Subsection 5.B.(1)(a) 3. of the Development Order is amended to read:

The County shall Fund* the construction of and construct the improvement identified for intersection #2. Intersection improvement #2 has been Funded* by Manatee and Sarasota Counties and is currently under construction.

- H. Subsection 5.B.(1)(a) 4. of the Development Order is amended to read:

The County shall Fund* the construction of and construct a southbound right turn lane at the intersection of University Parkway/Tuttle Avenue. This intersection improvement shall be constructed Concurrent* with the impacts of the Development* and shall be listed as a condition in any CLOS for the Development*.

- I. Subsection 5.B.(1)(a) 5. of the Development Order is amended to read:

Intersection Improvements #3 and #4 will be Funded* by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization. Should intersection improvements #3 and #4 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by the Developer*, Concurrent* with the impacts of the Development*.

- J. Subsection 5.B.(1)(a) 6. of the Development Order is amended to read:

Intersection Improvement #5 shall be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvement #5 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize this access drive (i.e., Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvement #5. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of this intersection improvement shall be listed as a condition in any CLOS issued for the land

uses identified in this subparagraph.

- K. Subsection 5.B.(1)(a) 7. of the Development Order is amended to read:

Intersection Improvements #6, #7 and #8 will be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvements #7 and #8 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., the Commercial and Golf Course portions of the Development*). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvements #6 and #7. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.

- L. Subsection 5.B.(1)(a) 9. of the Development Order is amended to read:

By satisfying provisions B.(1)(a) 1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C. and the concurrency requirements of Manatee and Sarasota Counties for Phase I. The concurrency requirements of Sarasota County are attached to this Development Order as Exhibit "C".

- M. Subsection 5.B.(7) of the Development Order is amended to read:

The Phase II transportation impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the Manatee County and/or Sarasota County concurrency requirements in effect at the time of the Developer's* application for Certificate of Level of Service. In the event that transportation capacity is only available for a portion of Phase II, development of such a portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability through a notice of proposed change pursuant to Section 380.06(19), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any transportation mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- N. Subsection 5.J.(3) of the Development Order is amended to read:

The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Developer* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any affordable housing mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- O. Subsection 5.R.(1) of the Development Order is amended to read:

Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDER guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

SECTION 5. REAFFIRMATION:

The Development Order is hereby reaffirmed in its entirety except as amended by this Development Order Amendment.

SECTION 6. RENDITION:

The Clerk of the Circuit Court is hereby directed to send certified copies of this Development Order Amendment to the Secretary of State within ten (10) days of the Board of County Commissioners approval date of this Development Order Amendment. Upon the receipt of an official acknowledgement from the Secretary of State's office, but no later than thirty (30) days, the Planning, Permitting and Inspections department shall send certified copies of this Development Order Amendment to the Developer, the Department, and the TBRPC.

SECTION 7. NOTICE OF RECORDING:

The Developer shall record a Notice of Adoption of this Development Order Amendment in accordance with Subsection 380.06(15)(f), Florida Statutes, and shall furnish a copy of the

recorded Notice to the County's Planning, Permitting and Inspections Department.

SECTION 8. SEVERABILITY:

If any provision or portion of the Development Order Amendment is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of the Development Order Amendment shall remain in full force and effect.


SECTION 9. EFFECTIVE DATE:

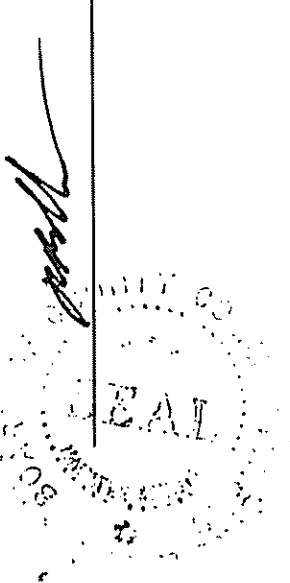
This Development Order Amendment shall become effective upon the issuance of an Order by the Florida Land and Water Adjudicatory Commission dismissing the Appeal so that the effective date of the Development Order Amendment will coincide with the lifting of the Stay on the effectiveness of the Development Order which, pursuant to Subsection 380.07(2), Florida Statutes, resulted from the filing of the Appeal.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 4th day of January, 1994.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Stan Stephen
CHAIRMAN

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



STATE OF FLORIDA, COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of Ordinance 93-54 adopted by the
Board of County Commissioners of said County on
the 4th day of January, 1994, this 10th day
of January 1994.

R. B. Shore
Clerk of Circuit Court
By Debbie O'Neal P.C.

MACFARLANE FERGUSON

ATTORNEYS & COUNSELORS AT LAW

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400 CLEVELAND STREET
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CLEARWATER, FLORIDA 34615
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210 SOUTH MONROE STREET
P.O. BOX 92 (ZIP 32302)
TALLAHASSEE, FLORIDA 32302
(904) 224-1215 FAX (904) 222-8826

33920 HIGHWAY 19 NORTH
SUITE 150
PALM HARBOR, FLORIDA 34684
(813) 785-4402 FAX (813) 785-0735

IN REPLY REFER TO:

Brian D. Forbes
P. O. Box 1531
Tampa, FL 33601

October 13, 1993

Ms. Sheila Benz
Director of Planning
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702-2491

Re: University Commons DRI, Manatee County, Florida

Dear Ms. Benz:

Enclosed for your records is one fully executed original of the Settlement Agreement in connection with the appeal of the Development Order for the University Commons DRI.

Very truly yours,



Brian D. Forbes

BDF:jr
Enclosure

RECEIVED

OCT 13 1993

Tampa Bay Regional
Planning Council

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

DEPARTMENT OF COMMUNITY
AFFAIRS,)

Petitioner,)

CASE NO. APP-92-037

v.)

UNIVERSITY COMMONS LIMITED)
PARTNERSHIP, Owner/Developer)
and MANATEE COUNTY, FLORIDA,)

Respondents.)

STIPULATED SETTLEMENT AGREEMENT

Petitioner, STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (the "Department") and Respondent UNIVERSITY COMMONS, L.P. ("University Commons"), (collectively referred to as the "Parties"), hereby stipulate and otherwise agree to full, complete, and final settlement and disposition of all claims raised, or arising from claims raised, in the above-styled administrative appeal as follows:

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County ("Board of County Commissioners") adopted a Development of Regional Impact Development Order, Ordinance No. 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact (DRI No. 190) (the "University Commons DRI"); and

WHEREAS, on June 16, 1992, Manatee County (the "County") rendered the Development Order to the Department, the Tampa Bay Regional Planning Council (the "TBRPC") and University Commons; and

WHEREAS, on July 31, 1992, and pursuant to Section 380.07, Florida Statutes, the Department filed an administrative appeal of the Development Order with the Florida Land and Water Adjudicatory Commission (Case No. APP-92-037) (the "Appeal") ; and

WHEREAS, the Appeal, which is pending, is based on the Department's claim that the Development Order does not adequately address certain issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses; and

WHEREAS, University Commons disputes the Department's claim and contends that the Development Order adequately addresses all applicable issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses, and that the Development Order is otherwise consistent and in compliance with all applicable laws, rules and regulations including Chapters 163, 187 and 380, Florida Statutes; Chapters 9J-2 and 9J-5, Florida Administrative Code; The Tampa Bay Regional Policy Plan; the TBRPC's Final Report and Recommendations concerning the University Commons DRI; and the County's Comprehensive Plan and Land Development Regulations; and

WHEREAS, to avoid the expense and uncertainty of litigating the disputed issues raised in the Appeal, the Parties have

negotiated and reached agreement as to specific revisions to the Development Order which, if adopted by the Board of County Commissioners, would satisfy the Department that the said disputed issues raised in the Appeal have been fully and properly addressed and resolved; and

WHEREAS, pursuant to Subsection 380.032(3), Florida Statutes, the Department is empowered to enter into such agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, or any rules promulgated thereunder.

NOW, THEREFORE, in consideration of the mutual terms, covenants, conditions and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, it is hereby agreed by and between the Parties as follows:

1. This Stipulated Settlement Agreement is a compromise and settlement of disputed claims raised, or arising from claims raised, in the Appeal, and is entered into to avoid the expense and uncertainty of litigating the issues raised in the said Appeal.

2. The Department acknowledges that except as to those disputed issues raised in the Appeal, the Development Order complies and is consistent with all applicable laws, rules and regulations.

3. University Commons shall request the Board of County Commissioners to adopt the proposed Ordinance attached hereto as Exhibit "A", and by this reference made a part hereof, (hereinafter referred to as the "Development Order Amendment") which sets forth changes to the Development Order deemed necessary by the Department

to fully and properly address and resolve the disputed issues raised in the Appeal.

4. If the Board of County Commissioners adopts the Development Order Amendment, then the Department shall promptly file a Notice of Voluntary Dismissal of the Appeal with the Florida Land and Water Adjudicatory Commission. By their signatures hereon, the parties request that the Land and Water Adjudicatory Commission continue this matter in abeyance until the Board of County Commissioners acts on the request of University Commons to adopt the Ordinance attached hereto as Exhibit "A".

5. The Development Order Amendment shall not constitute a substantial deviation requiring further development of regional impact review pursuant to Subsection 380.06(19), Florida Statutes.

6. This Stipulated Settlement Agreement contains the entire and exclusive understanding and agreement among the Parties and may not be modified in any manner except by written instrument signed by the Parties.

7. The TBRPC joins in the execution of this Stipulated Settlement Agreement to confirm that the TBRPC has duly reviewed and analyzed the Development Order Amendment and has found it to be consistent and in compliance with The Tampa Bay Regional Policy Plan and the TBRPC's Final Report and Recommendations concerning the University Commons DRI, and to not constitute a substantial deviation requiring further development of regional impact review pursuant to Subsection 380.06(19), Florida Statutes.

8. All signatories hereto represent and warrant that they have read this Stipulated Settlement Agreement and understand the

terms hereof, that they are fully authorized to execute this Stipulated Settlement Agreement in the capacity shown, and that they are executing the same voluntarily and upon their best judgment, solely for the consideration herein described.

9. This Stipulated Settlement Agreement may be executed in any number of original counterparts, all of which evidence only one agreement, and only one of which need be produced for any purpose.

IN WITNESS WHEREOF, the Parties and the TBRPC, by and through their respective duly authorized undersigned representatives, have executed this Stipulated Settlement Agreement on the dates appearing below their respective signatures.

Signed, sealed and delivered
in our presence as witnesses:

Kathleen Gaston

J. Thomas Beck

STATE OF FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS

BY: Charles G. Pattison
Charles G. Pattison

ITS: Director, Division of
Resource Planning and
Management

DATED: 10/11/93

Approved as to legal form and
sufficiency:

BY: Sherry A. Spiers
Sherry A. Spiers, Esquire

UNIVERSITY COMMONS, L. P.

BY: James W. Gardner

ITS: Authorized Agent

DATED: 9/28/93

Joseph M. Tulano
Janet K. Barnes

TAMPA BAY REGIONAL PLANNING
COUNCIL

BY: Julia E. Greene
Julia E. Greene

ITS: Executive Director

DATED: 9/28/93

EXHIBIT "A"

ORDINANCE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE UNIVERSITY COMMONS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner _____, seconded by Commissioner _____, the following ordinance was adopted by a vote of ____ to ____.

WHEREAS, on June 3, 1992, the Board of County Commissioners of Manatee County (the "Board of County Commissioners") adopted a Development Order, Ordinance 92-31, (the "Development Order"), approving, with conditions, the University Commons Development of Regional Impact (DRI No. 190) (the "University Commons DRI"); and

WHEREAS, on June 16, 1992, Manatee County (the "County") rendered the Development Order to the State of Florida Department of Community Affairs (the "Department"), the Tampa Bay Regional Planning Council ("TBRPC"), and the Owner/Developer of the University Commons DRI, University Commons, L.P. ("University Commons"); and

WHEREAS, on July 31, 1992, and pursuant to Section 380.07, Florida Statutes, the Department filed an administrative appeal of the Development Order with the State of Florida Land and Water Adjudicatory Commission (Case No. APP-92-037) (the "Appeal"), based on the Department's claim that the Development Order does not adequately address certain issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses; and

WHEREAS, University Commons and the County dispute the Department's claim and contend that the Development Order adequately addresses all applicable issues pertaining to transportation, air quality, affordable housing, consistency with the State Comprehensive Plan and the State Land Development Plan, the rendering of the Development Order, and the identification of the amount of parking spaces which will serve the project's retail uses, and that the Development Order is otherwise consistent and in compliance with all applicable laws, rules and regulations including, Chapters 163, 187 and 380, Florida Statutes; Chapters 9J-2 and 9J-5, Florida Administrative Code ("F.A.C."); the "Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region" (the "FRCRPP"); the TBRPC's Final Report and Recommendations concerning the University Commons DRI; the Manatee County Comprehensive Plan; and the Manatee County Land Development Code; and

WHEREAS, to avoid the expense and uncertainty of litigating the disputed issues raised in the Appeal, the Department and University Commons negotiated and reached agreement as to specific revisions to the Development Order which, if adopted by the Board of County Commissioners, would satisfy the Department that the said disputed issues raised in the Appeal have been fully and properly addressed and resolved; and

WHEREAS, the TBRPC has duly reviewed and analyzed this Ordinance (alternatively referred to as this "Development Order Amendment"), including the specific revisions to the Development Order as set forth herein, and has found it to be consistent and in compliance with the FRCRPP and the TBRPC's Final Report and Recommendations concerning the University Commons DRI, and to not constitute a substantial deviation requiring further development of regional impact review pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider this Development Order Amendment; and

WHEREAS, all public notice requirements applicable to this Development Order Amendment have been adhered to and fulfilled; and

WHEREAS, the Board of County Commissioners of Manatee County, on the _____ day of _____, 1993, held a duly noticed public hearing on the proposed amendment to the Development Order and has solicited, received and considered all testimony, reports, comments, evidence and recommendations submitted by all interested parties, departments, agencies and members of the general public.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS _____ DAY OF _____, 1993, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners hereby makes the following findings of fact:

- A. The Development Order for the University Commons Development of Regional Impact, which was approved on June 3, 1992 and rendered by the County on June 16, 1992, was appealed on July 31, 1992 by the Department.
- B. To avoid the expense and uncertainty of litigating the various disputed issues raised in the Appeal, the Department and University Commons negotiated and reached agreement as to specific revisions of the Development Order which, if adopted by the Board of County Commissioners, would require the Department to voluntarily dismiss the Appeal.
- C. The Board of County Commissioners has received and considered the said specific revisions to the Development Order, which specific revisions are set forth in Section 3. of this Development Order Amendment.
- D. The Board of County Commissioners held a duly noticed public hearing on _____ regarding the Development Order Amendment, and has considered all testimony, reports, comments, evidence and recommendations from all interested parties, departments, agencies and members of the general public.
- E. All statutory procedures, and all procedures required by agency rule or local government regulation or policy, have been duly adhered to.

SECTION 2. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development* will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, and The Manatee County Comprehensive Plan, Ordinance 89-01, as amended.

3. The Development*, as conditioned by this Development Order Amendment, is consistent with the report and recommendation of TBRPC issued on April 8, 1991.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described in the original Development Order, subject to the conditions, restrictions and limitations set forth in the Development Order, as modified by this Amendment.
- C. That the review by the County, the Planning Commission, the TBRPC and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Development Order, this Amendment and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order Amendment, the terms and conditions of this Development Order Amendment shall prevail.

SECTION 3. REVISIONS TO DEVELOPMENT ORDER:

The Development Order is hereby amended as follows:

- A. Footnote 2 of Table 1 in Section 3. of the Development Order is amended to read:

Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30+ acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements, which would currently require 1,280 parking spaces for the retail uses approved on-site including the existing 250,000 square foot shopping center.

- B. Section 4. of the Development Order is amended by adding the following definitions:

"Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.

"Funding Commitment", "Funding", "Funded" or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.

"Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.

C. Subsection 5.A.(1) of the Development Order is amended to read:

This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order. Phase I is specifically approved. Phase II is conceptually approved subject to further Section 380.06(6), Florida Statutes, analysis and review on affordable housing, air quality and transportation. The Development Order shall be amended to grant specific approval to Phase II. Development of the hospital referenced in Section 3.A.2.c is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

D. Subsection 5.B.(1)(a) of the Development Order is amended to read:

Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible

Entities* for the roadway and intersection improvements listed in Tables 2 and 3. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted*.

E. Subsection 5.B.(1)(a) 1. of the Development Order is amended to read:

Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by Responsible Entities* Concurrent* with the impacts of the Development*.

F. Subsection 5.B.(1)(a) 2. of the Development Order is amended to read:

Intersection Improvement #1 shall be Funded* by the Developer* prior to any Vertical Development*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for the permitting and construction/installation of signalization. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* of this intersection improvement shall be listed as a condition in any Certificate of Level of Service Compliance ("CLOS") issued for the Development*.

G. Subsection 5.B.(1)(a) 3. of the Development Order is amended to read:

The County shall Fund* the construction of and construct the improvement identified for intersection #2. Intersection improvement #2 has been Funded* by Manatee and Sarasota Counties and is currently under construction.

H. Subsection 5.B.(1)(a) 4. of the Development Order is amended to read:

The County shall Fund* the construction of and construct a southbound right turn lane at the intersection of University Parkway/Tuttle Avenue. This intersection improvement shall be constructed Concurrent* with the impacts of the Development* and shall be listed as a condition in any CLOS for the Development*.

I. Subsection 5.B.(1)(a) 5. of the Development Order is amended to read:

Intersection Improvements #3 and #4 will be Funded* by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization. Should intersection improvements #3 and #4 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by the Developer*, Concurrent* with the impacts of the Development*.

J. Subsection 5.B.(1)(a) 6. of the Development Order is amended to read:

Intersection Improvement #5 shall be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvement #5 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize this access drive (i.e., Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvement #5. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of this intersection improvement shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph .

K. Subsection 5.B.(1)(a) 7. of the Development Order is amended to read:

Intersection Improvements #6, #7 and #8 will be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvements #7 and #8 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., the Commercial and Golf Course portions of the Development*). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvements #6 and #7. Construction/installation of signalization

shall occur when said signalization is Warranted*. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.

L. Subsection 5.B.(1)(a) 9. of the Development Order is amended to read:

By satisfying provisions B.(1)(a)1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C. and the concurrency requirements of Manatee and Sarasota Counties for Phase I. The concurrency requirements of Sarasota County are attached to this Development Order as Exhibit "C".

M. Subsection 5.B.(7) of the Development Order is amended to read:

The Phase II transportation impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the Manatee County and/or Sarasota County concurrency requirements in effect at the time of the Developer's* application for Certificate of Level of Service. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability through a notice of proposed change pursuant to Section 380.06(19), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any transportation mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

N. Subsection 5.J.(3) of the Development Order is amended to read:

The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any affordable

housing mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

O. Subsection 5.R.(1) of the Development Order is amended to read:

Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDER guidelines, that any significantly adverse air quality impacts caused by Phase II, or any subphase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any subphase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

SECTION 5. REAFFIRMATION:

The Development Order is hereby reaffirmed in its entirety except as amended by this Development Order Amendment.

SECTION 6. RENDITION:

The Clerk of the Circuit Court is hereby directed to send certified copies of this Development Order Amendment to the Secretary of State within ten (10) days of the Board of County Commissioners approval date of this Development Order Amendment. Upon the receipt of an official acknowledgement from the Secretary of State's office, but no later than thirty (30) days, the Planning, Permitting and Inspections Department shall send certified copies of this Development Order Amendment to the Developer, the Department, and the TBRPC.

SECTION 7. NOTICE OF RECORDING:

The Developer shall record a Notice of Adoption of this Development Order Amendment in accordance with Subsection 380.06(15)(f), Florida Statutes, and shall furnish a copy of the recorded Notice to the County's Planning, Permitting and Inspections Department.

SECTION 8. SEVERABILITY:

If any provision or portion of this Development Order Amendment is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Development Order Amendment shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE:

This Development Order Amendment shall become effective upon the issuance of an Order by the Florida Land and Water Adjudicatory Commission dismissing the Appeal so that the effective date of the Development Order Amendment will coincide with the lifting of the Stay on the effectiveness of the Development Order which, pursuant to Subsection 380.07(2), Florida Statutes, resulted from the filing of the Appeal.

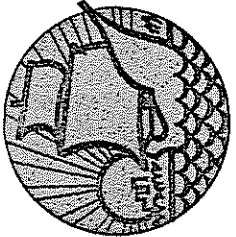
Page 9 - Ordinance _____ - University Commons

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this ____ day of _____, 1993.

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

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Chairman



MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

June 15, 1992

Ms. Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard Suite 219
St. Petersburg, Florida 33702

RE: University Commons DRI

Dear Ms. Cooper:

Enclosed please find a certified copy of the approved Development Order for the University Commons DRI.

If you have any questions please feel free to contact me at 813-748-4501 extension 6872.

Sincerely,

Michael A. Pendley, Senior Principal Planner
Community Planning Section

MP/ef

cc: DRI File
Central File

mailed 6/16/92
received 6/18/92

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

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

MANATEE COUNTY ZONING ORDINANCE
Z-89-46(C) - UNIVERSITY COMMONS

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURAL, 1 DU/ACRE) AND A-1/ST (SUBURBAN AGRICULTURAL, 1 DU/ACRE, SPECIAL TREATMENT OVERLAY DISTRICT) TO PD/MU (PLANNED DEVELOPMENT MIXED USE); WITH SPECIAL APPROVAL FOR A MIXED AND MULTI-USE PROJECT IN A RES-9 (RESIDENTIAL, 9 DU/ACRE) AND A R/O/R (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CATEGORY (FLUC); AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A RETIREMENT AND HEALTH CARE PROJECT WHICH CONTAINS A HOTEL, COMMERCIAL, AN OUT-PATIENT FACILITY, A SKILLED NURSING FACILITY, MEDICAL OFFICE AND GENERAL SUPPORT OFFICE, PERSONAL CARE AND INDEPENDENT LIVING FACILITIES, A GOLF COURSE, AND A HOSPITAL AS AN ALTERNATIVE TO THE GENERAL OFFICE AND/OR SKILLED NURSING USES; PROVIDING AN EFFECTIVE DATE.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Official Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agricultural, 1 du/acre) and A-1/ST (Suburban Agricultural, 1 du/acre, Special Treatment Overlay District) to PD/MU (Planned Development/Mixed Use) with Special Approval for a Mixed and Multi-Use project in a RES-9 (Residential, 9 du/acre) and a R/O/R (Retail/Office/Residential) Future Land Use Category (FLUC).

B. The said Board of County Commissioners held public hearings on 06/26/91, 8/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/92, 5/28/92 and 6/03/92 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearings.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be in compliance with the provisions of the Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan, entitled UNIVERSITY COMMONS, is hereby APPROVED to allow a retirement and health care project, which contains a hotel, commercial, an out-patient facility, a skilled nursing facility, medical office and general support office, personal care and independent living facilities, a golf course, and a hospital as an alternative to the general office and/or skilled nursing uses with the following definitions and stipulations:

DEFINITIONS:

Note: An asterisk (*) following a word or phrase denotes that the word or phrase is defined.

A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992 and April 27, 1992 and revised Map H dated October 7, 1991.

B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions and other factors.

C. "Developer" shall mean University Commons, L.P., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.

D. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA*, and/or this Development Order herein, to be constructed on the real property described in Section 8.

E. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final Plat, and Final Site Plan process and/or construction drawing approval where site plans or subdivision plats are not required.

F. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:

1. existing topography;
2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes and the eventual outfall to the water bodies;
4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.

G. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

- H. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Regulations ("FDER"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- I. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J (Attachment #1) which was based on data submitted with the ADA*.
- J. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such structure.
- K. "Warranted" shall mean a determination by the County Transportation Division, Public Works Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.
- L. The definitions contained in Chapter 380, Florida Statutes, shall also apply to this Development Order.

STIPULATIONS:

- A. (1) This Approval is limited to the Development* and Development* schedule listed in Table 1 below. Development of the hospital referenced in said table is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this application. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, abnormality, disease, or physical and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-1997	Column C Phase II 1998-2002	Column D Total Sq. Ft.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum N/A
IL (Residential)	484 lvs	242 lvs	—	726 lvs	58	N/A
PC (Residential)	160 lvs	80 lvs	—	240 lvs	10	120/320 lvs
SN (Service)	120 beds	120 beds	—	240 beds	12.5	0/240 beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL ¹ (Retail)	305,000 sq. ft.	10,000 sq. ft.	315,000 sq.ft.	—	33.8	N/A
MED. OFFICE (Office)	86,000 sq. ft.	10,000 sq. ft.	96,000 sq.ft.	—	17.2	96,000/175,000 sq. ft.
OUT PATIENT (Office)	24,000 sq. ft.	24,000 sq. ft.	48,000 sq.ft.	—	8.5	24,000/60,000 sq. ft.
MED CENTER (Office)	110,000 sq. ft.	34,000 sq. ft.	144,000 sq.ft.	—	25.7	120,000/235,000 sq. ft.
(Total of Medical Office and Out Patient)						
SUPPORT OFFICE (Office)	45,000 sq. ft.	—	45,000 sq.ft.	—	4.5	N/A
GOLF COURSE (Attraction Recreation)	1 golf course	—	1 golf course	—	118.4	N/A
GENERAL OFFICE (Office)	27,140 sq. ft.	176,664 sq. ft.	203,804 sq. ft.	—	8.6	10,000/250,000 sq.ft.
HOSPITAL (Hospital)	—	—	—	—	—	234 beds

¹Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

²Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30+ acres in the southeast corner of the Project*.

A. (2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*.

A. (3) The County has determined that with the Development Order conditions contained herein, there exists adequate level of service capacity for the concurrency items listed in Section 5.A.(2) above to accommodate the impacts of Phase I of the Development* and that said capacity for the impacts are being reserved for Phase I of the Development*. Level of Service capacity for Phase I shall be reserved for a period of five (5) years from the effective date of this Ordinance.

A. (4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Ordinance. All portions of Phase I must have Preliminary Site Plan* approval within five (5) years from the effective date of this Ordinance.

Transportation

B.(1) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1

Phase I of the Development* shall require funding commitments from responsible entities for the roadway and intersection improvements, or alternative improvements of equal or greater capacity, listed in Tables 2 and 3. Without funding commitments for these improvements, construction permits for Vertical Development* shall not be issued for Phase I.

TABLE 2

Phase 1 (1997) Required Link Improvements for University Commons				
Roadway Segment Improvement Number	Road Segment	Total Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	I-75 (West) to I-75 (East)	D	6.6	Construct 2nd NB off-ramp lane at I-75.
2.	I-75 (West) to I-75 (East)	D	9.5	Construct 2nd SB on-ramp lane at I-75.

Airport Connector Road (located within Sarasota County)

TABLE 3

Phase I (1997) Required Intersection Improvements for University Commons				
Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.8	Signalize when MUTCD-Warranted*.
University Parkway (partially within Sarasota County)				
2.	U.S. 301	F	8.6	Construct 2nd NB & SB left turn lanes.
3.	I-75 (West Side)	F	9.1	Construct 3rd thru lane EB & WB signalize when MUTCD-Warranted*.
4.	I-75 (East Side)	F	11.6	Construct 2nd left turn lane NB & EB. Signalize when MUTCD-Warranted*.

- | | | | | |
|----|---|-----|-----|--|
| 5. | Tuttle Avenue at Project Access | N/A | N/A | Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn & 1 thru lane EB & WB. Signalize when MUTCD-Warranted*. |
| 6. | Lockwood Ridge Road at Project Access B | N/A | N/A | Signalize when MUTCD-Warranted*. |
| 7. | Lockwood Ridge Road at Project Access C | N/A | N/A | Construct 1 left turn lane NB; 1 right turn lane SB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD-Warranted*. |
| 8. | Lockwood Ridge Road at Project access Drive C-1 | N/A | N/A | Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. |

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable level of service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are committed for construction in a timely manner in accordance with the Manatee County Concurrency Procedures Manual, as amended.

Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization.

3. The Developer* shall fund the construction of and construct the improvement identified for intersection #2 or such alternative improvement which provides the same or greater intersection capacity if approved by the County. The County shall be responsible for the timely permitting of the improvement, or such alternative improvement which provides the same or greater intersection capacity. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code.
4. At the intersection of University Parkway/Tuttle Avenue, the Developer* shall either fund the construction of a southbound exclusive right turn lane or a right-in/right-out driveway at the southwest corner of the Development* providing direct access to University Parkway. The Developer* shall be responsible for the construction and funding of the right turn lane or right-in/right-out driveway, if approved by the County.
5. Intersection Improvements #3 and #4 will be funded by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization.
6. Intersection Improvement #5 will be funded and constructed by the Developer* and signalized prior to issuance of any Certificates of Occupancy for the Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center unless this condition is amended by the Board of County Commissioners and any other controlling ordinances, rules or regulations are amended in accordance with applicable law.
7. Intersection Improvements #6, #7 and #8 will be funded and constructed by the Developer* and signalized prior to issuance of any Certificates of Occupancy for the Commercial and Golf Course portions of the Development* unless this condition is amended by the Board of County Commissioners and any other controlling ordinances, rules or regulations are amended in accordance with applicable law.
8. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway).
9. In addition to satisfying Option 1, provisions B.(1)(a)1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Manatee and Sarasota Counties for Phase 1, which requirements of Sarasota County are attached (Attachment #2).

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land

use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRCPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B.(2) The future roadway improvements assumed in the transportation analysis for the Development* consist of:

- (a) Lockwood Ridge Road as a four lane facility between University Parkway and Desoto Road; and
- (b) Lockwood Ridge Road as a four lane facility between Desoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

B.(3) The Developer* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

B.(4) Beginning with the first annual report required by this Development Order, an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within the set time frame, the County may assume that the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology

meeting to be held prior to the preparation of the new analysis.

- B.(5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.
- B.(6) The Developer* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the County, the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 single family residential units (or the equivalent thereof in terms of trip generation) constructed after issuance of the Development Order for the University Commons DRI.
- The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to further the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:
- Policy: Promote ridesharing by public and private section employees.
- OBJECTIVES:
- Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
 - Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995.
- B. (7) Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of the Developer's* application for Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review and approve such Phase II transportation analysis as it pertains to the transportation impacts on Sarasota County. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability.
- B. (8) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the area marked "Skilled Nursing/Personal Care" on the University Commons Master Plan.

Lands and Soils

C. (1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 17-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 17-730, F.A.C., shall not apply.

C. (2) The soil conservation measures referenced on Pages 14-and 14-3 of the ADA* shall be required.

Wetlands:

D. (1) All existing jurisdictional wetlands to remain on-site or wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas, pursuant to policy 10.1.2, FRCRPP, and impacts thereto shall be minimized.

D. (2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.

D. (3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.

D. (4) No development activities shall be permitted within regional, state or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives and policies of The Manatee County Comprehensive Plan.

D. (5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer zone. Each Development* phase, or subphase, shall provide development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.

D. (6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

E. (1) In the event that any species listed in Rules 39-27.003

through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Action Commission ("EAC"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.

- E. (2) Areas of the Development* which meet the conservation definition set forth in TBRPC policy 10.1.2, FRCRPP, shall be designated as such on the Development's* Master Plan known as Map H attached as Attachment #3.
- E. (3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact through incorporation into the golf course or a passive park, or mitigated in accordance with FGFWFC policies and approved by the County and the EAC.

Historical and Archaeological Sites

- F. (1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC, and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.

- F. (2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage:

- G. (1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDER, the Southwest Florida Water Management District (SWFWMD) and the TBRPC for review and to the County and the EAC for approval. The stormwater management systems shall be designed, constructed and maintained to meet or exceed the requirements of Chapters 17-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 - year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.

- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDER and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.

- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDER's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:

(a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.

(b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development*.

(c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.

(d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EAC. Collected data shall be furnished to the County, the EAC, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.

- G.(4) Pursuant to Rule 17-28.700, F.A.C., no discharges to groundwater shall be permitted on-site.

- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDER for review, and to the County and the EAC for approval, during the permitting process.

- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

~~hazardous waste.~~

- H.(1) Within one year of the effective date of this Development Order, or prior to issuance of any building permits for the Development*, whichever occurs later, the Developer* shall prepare a hazardous waste management plan (including biohazardous waste) and a hazardous waste management plan which shall be reviewed and approved by the County, the EAC, the FDER and the TBRPC, and then distributed by the Developer* to residential and non-residential land users within the DRI. At a minimum, the plan shall:

- o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;

- o indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designated containers;
- o describe generally improper disposal methods;
- o describe generally appropriate disposal methods;
- o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
- o describe a program to inform owners and tenants of the information contained in the plan;
- o describe construction requirements for hazardous waste storage areas;
- o describe typical spill cleanup methods; and
- o be updated and distributed to each non-residential tenant annually.

H. (2) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.

H. (3) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.

H. (4) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EAC, and any state or federal agency or agencies with jurisdiction.

Energy:

I. (1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.

I. (2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:

- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
- o obtain energy audits provided by energy companies or other qualified agencies;
- o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
- o promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

- o institute and utilize recycling programs;
- o utilize energy efficient packaging and/or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing:

J.(1) The Developer* shall provide, on an as-needed basis, living units (with a varying number of bedrooms) which are accessible to, and adapted for use by, the handicapped.

J.(2) It is strongly encouraged that the Developer*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.

J.(3) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Developer* is more than offset by the availability of affordable housing within the transportation impact study area of the Developer*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in the Developer's* Transportation Impact Area* in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time.

J.(4) One hundred percent of the residential component of the Development* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.

K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates shall be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to wastewater capacity availability.

L. (2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.

L. (3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:

- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
- (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
- (c) Wet wells to contain sewage line surcharges/overflows.
- (d) Emergency by-pass pumpouts for tank trucks.
- (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

L. (4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.

L. (5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39) (See Attachment #4).

L. (6) The Developer* shall not utilize on-site wastewater treatment.

L. (7) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer conceptual master plan shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

Water:

M. (1) The County has determined that there exists adequate potable water capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service

Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to potable water capacity availability.

M.(2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.

M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.

M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.

M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development*.

M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Manatee County Permitting and Inspections Department. The plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the Plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning, Permitting and Inspections Department:

- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
- (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the

Comprehensive Plan and the Fire Marshall.

- (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N. (1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to solid waste capacity availability.

- N. (2) The applicant will investigate appropriate recycling efforts both during and after construction and report on this in each Annual Report.

- N. (3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O. (1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P. (1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.

- P. (2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.

- P. (3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

- P. (4) Recreation and open space areas shall be designed with due regard to both golfers and nongolfers. A passive recreational oriented open space area shall be provided for the nongolfing residents of the Development*. The area shall be at least two acres in size, provided prior to the commencement of Phase II, and located to provide easy access to guests/residents of the Development*.

Police, Fire and Health Care

Q.(1) Emergency medical services and fire protection will be provided by Manatee County and/or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.

Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.

Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Q.(4) The commitments of the Developer* as discussed in the ADA* regarding health care for residents, shall be specifically required.

Air

R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using current FDER guidelines or those adopted by the FDER, whichever are more restrictive, that any significantly adverse air quality impacts caused by Phase II, or any subphase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any subphase thereof.

R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state and federal requirements.

S.(2) In the event that the proposed hospital is constructed that vulnerability shall be considered. Areas subject areas hospitals which are vulnerable to flooding and that would be required to evacuate. This coordination would include the possibility of being a partial "host facility" in the temporary sheltering and assistance of patients that would require evacuation. (Assistance regarding this matter should be obtained and coordinated through the Chief of the Manatee County Chapter of the American Red Cross.)

General Conditions

T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the

option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.

T. (2)

The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC or the DCA and being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
- h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

- k. A statement of the number of school age children residing within the Development*;
 - l. A list of the entry ages of the residents moving into the Development* within the recording period;
 - m. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
 - n. Reports and/or information pursuant to conditions B.(4), B.(6), F.(2), G.(3)(d.), H.(2), H.(3), L.(4) and N.(2) of this Section 5.
- The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

T.(3)

The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

T.(4)

Phase I of the Development* is specifically approved subject to the conditions found within the Development Order, and Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to vertical development of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity needed to serve Phase II is or will be adequate to meet such impacts of Phase II when such impacts occur. The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity for Phase II shall be made in accordance with the current Manatee County concurrency requirements or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of any other applicable statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

T.(5)

This approval shall prohibit construction of the Hospital unless and until the Developer* applies for and is granted a Comprehensive Plan Amendment for the hospital site, changing the Future Land Use Map ("FLUM") to Public/SemiPublic (2)

Future Land Use Category, or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed as part of this Application. If the Developer* obtains the said amendment to the Comprehensive Plan, the hospital shall not require an amendment to the DRI Development Order or Map H. The Development* shall be constructed in accordance with the land use components and phase schedules approved in the DRI Development Order.

Exchanges of approved land uses may be made within the project and/or each phase in accordance with the approved development order for University Commons DRI (Ordinance 92-31) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each future land use category. Any such exchange shall require an amendment to the general development plan and a public hearing by the County to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning, Permitting and Inspections is authorized by the Land Development Code. The amended general development plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The developer must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

Design

U.(1) The Preliminary and Final Site Plans for the Hotel and Business Center/Medical Center portions of the development, shall include earthen berms a minimum of three feet (3') in height and shall be planted with trees and understory vegetation to provide a visual buffer between these land uses and University Parkway. The earthen berm shall be located adjacent to University Parkway. An aesthetically equal or superior alternative can be approved by the Director of the Planning, Permitting and Inspections Department.

U.(2) The Hotel and Business Center shall be oriented so that a building front or front facade faces University Parkway. The Director of the Planning, Permitting and Inspections Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.

U.(3) The Hotel and Business Center shall be designed to position parking areas on the north side to avoid visibility of these areas from University Parkway. The Director of the Planning, Permitting and Inspections Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.

U.(4) Dumpsters and/or compactors shall not be located in front of any building, and these units shall meet all setback requirements. These units shall not be visible from any collector or arterial facility. Specific locational approval for these units shall be during Preliminary and Final Site Plan stage.

U.(5) The Developer shall create a negative easement along Tuttle Avenue, Lockwood Ridge Road and University Parkway to prevent vehicular access, except for access permitted as part of a Preliminary or Final Site Plan approval for each phase, which shall be consistent with the General Development Plan.

U.(6) A master pedestrian/bike path plan shall be submitted for review and approval with each phase. The pedestrian and bike paths shall provide linkages between the various land uses within this site as well as provide for linkage to existing or future external systems.

U.(7) A pre-design conference will be required prior to submittal of Construction Drawings to discuss points of connection for water and wastewater service and the configuration of the water and sanitary sewer systems.

U.(8) The engineer of record shall be responsible for determining if upgrading of offsite facilities are necessary prior to construction plan submittal for potable water, sanitary sewer or fire protection. Oversizing of facilities may be necessary with possible participation by Manatee County.

U.(9) The golf course shall not be developed in any manner inconsistent with this application unless and until the General Development Plan is amended by the Board of County Commissioners in a public hearing. Any amendment to this land use must be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code.

U.(10) The land uses approved on this site are limited as described on the general development plan and within the DRI development order (Ord 92-31).

U.(11) The existing mature tree stands (exclusive of citrus trees) located adjacent to the northern property boundary of the eastern parcel will be incorporated to the maximum extent possible in the landscape buffer to provide additional buffering beyond that required by the Manatee County Land Development Code.

U.(12) The following minimum setbacks and maximum heights shall apply to the land uses within this development.

Land Use	Front	Side	Rear	Height
Retirement Dwelling Units	25'	10'	25'	2 stories
Independent Living Facility	30' ¹	20' ¹	30'	6 stories ^{1,2}
Personal Care Facility	45'	60'	60'	3 stories
Skilled Nursing Facility	45'	60'	60'	3 stories
Hotel	40' ^{1,3}	20' ¹	25' ¹	7 stories ^{1,2}
Outpatient Facility	40' ³	20'	25'	3 stories
Commercial	40' ³	20'	25'	3 stories
Office	40' ³	20'	25'	3 stories
Office Showroom	40' ³	20'	25'	3 stories
Golf Course Structures	50' ⁴	50' ⁴	50' ⁴	2 stories

¹ Buildings in excess of 4 stories, inclusive of parking levels, shall be set back a minimum of 200 feet from all external property boundaries.

² Inclusive of parking.

³ Fifty foot front setback required from any local street.

⁴ Maintenance facilities and associated material and vehicular storage areas shall maintain a 200 foot setback from all adjacent residentially zoned properties.

U.(13) The floor area ratio shall not exceed 1.0 for any building and shall not exceed 1.0 for any building units per acre.

U.(14) Kitchens are not allowed as part of the individual living units in the personal care facilities, however, each of these living units may contain a compact refrigerator, sink and microwave oven.

U.(15) Unless otherwise expressly stated in this ordinance or the Development Order of the DRI, the Developer* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.

U.(16) The Developer* and Manatee County shall begin negotiations leading to an agreement regarding the realignment of Tuttle Avenue, consistent with the Letter of Intent presented to the Board of County Commissioners, within 30 days of the approval date of this ordinance.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agricultural, 1 du/acre) and A-1/ST (Suburban Agricultural, 1 du/acre, Special Treatment Overlay District) to PD/MU (Planned Development/Mixed Use), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

See Attachment #5.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chame
First Vice-Chairman

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

R. B. Shore Jc.

ORDINANCE 92-31 (FKA 91-67)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY UNIVERSITY COMMONS, L.P., FOR UNIVERSITY COMMONS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS TBRPC DRI #190; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Hooper, seconded by Commissioner Harris, the following ordinance was adopted by a vote of 7 to 0.

WHEREAS, on December 28, 1988, University Commons, L.P., hereinafter referred to as the "Developer*", filed an Application for Development Approval* of a Development of Regional Impact ("DRI") with the Manatee County ("County") Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and additional information submittals by the Developer* dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990; and

WHEREAS, the Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately two hundred and eighty-six acres, located in southern Manatee County, hereinafter referred to as "University Commons DRI" or the "Development*"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider and approve Applications for Development Approval* for Developments of Regional Impact; and

WHEREAS, the Planning Commission of Manatee County ("Planning Commission") has reviewed the Application for Development Approval* and has filed a recommendation on said Application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/92, 5/28/92 and 06/03/92 held duly noticed public hearings on the Application for Development Approval* (ADA*) and has solicited, received and considered all testimony reports, comments, evidence and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department; and

WHEREAS, all public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been adhered to.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 3RD DAY OF JUNE, 1992, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the application for Development Approval*, the recommendation and findings of the Planning Commission, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for Development Approval*, in addition to the application for amendment of the Official Zoning Atlas. The report was rendered on June 3, 1992, following public hearing.
- B. That said Board of County Commissioners held public hearings on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/92, 5/28/92 and 06/03/92 regarding the said DRI and the proposed Official Zoning Atlas Amendment, in accordance with the requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code), and Ordinance No. 89-01 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments and information received at the Public Hearings.
- C. The Development* is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (The Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- D. The "Developer* submitted to the County an Application for Development Approval* ("ADA"), and Sufficiency Responses identified above, which are incorporated herein by reference. Hereinafter, the word "Application" shall mean the ADA* and the Sufficiency Responses filed and other exhibits duly submitted for a project to be known as University Commons Development of Regional Impact.
- E. The real property which is the subject of the Application and the Development Order is legally described in Section 8 of this Development Order.
- F. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- G. The authorized agents for the Developer* are Mr. James W. Gardener, President, Florida Land Use Analysis Corp., 1605 Main Street, Suite 910, Sarasota, FL 34246 and Mr. Randy Coen, Senior Project Manager, Greiner, Inc., Post Office Box 31646, Tampa, Florida 33630-3416.
- H. The owner of the property, and the Developer*, is University Commons, L.P.
- I. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, and the TBRPC.

SECTION 2. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the application for Development Approval*, the recommendation and findings of the Planning Commission, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Planning Commission concerning the Development* as it relates to the real property described in Section 8 of this Development Order and in the Application for Development Approval*, in addition to the application for amendment of the Official Zoning Atlas. The report was rendered on June 3, 1992, following public hearing.
- B. That said Board of County Commissioners held public hearings on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/92, 5/28/92 and 06/03/92 regarding the said DRI and the proposed Official Zoning Atlas Amendment, in accordance with the requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code), and Ordinance No. 89-01 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments and information received at the Public Hearings.
- C. The Development* is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (The Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- D. The "Developer* submitted to the County an Application for Development Approval* ("ADA"), and Sufficiency Responses identified above, which are incorporated herein by reference. Hereinafter, the word "Application" shall mean the ADA* and the Sufficiency Responses filed and other exhibits duly submitted for a project to be known as University Commons Development of Regional Impact.
- E. The real property which is the subject of the Application and the Development Order is legally described in Section 8 of this Development Order.
- F. The proposed Development* is not located in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
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- H. The owner of the property, and the Developer*, is University Commons, L.P.
- I. A comprehensive review of the impact generated by the Development* has been conducted by the appropriate departments of the County, the Planning Commission, and the TBRPC.

SECTION 2. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following Conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

Figure 1

1. The Development* will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
 2. The Development* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan, and The Manatee County Comprehensive Plan, Ordinance 89-01, as amended.
 3. The Development*, as conditioned by this Development Order, is consistent with the report and recommendations of TBRPC issued on April 8, 1991.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- C. That the review by the County, the Planning Commission, the TBRPC and other participating agencies and interested citizens reveals that the impacts of the Development* are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

- A. Subject to the possible exchange of land uses as described elsewhere herein, the Development* consists of the area and land uses by phase described in Columns A through F of Table 1. Phase I of the Development* is specifically approved subject to the conditions found within the Development Order, and Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to Vertical Development* of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity needed to serve Phase II is or will be adequate to meet such impacts of Phase II when such impacts occur. The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity for Phase II shall be made in accordance with the current Manatee County concurrency requirements or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-1997	Column C Phase II 1998-2002	Column D Total Sq. ft.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum N/A
IL (Residential)	484 lus	242 lus	—	726 lus	58	N/A
PC (Residential)	160 lus	80 lus	—	240 lus	10	120/320 lus
SN (Service)	120 beds	120 beds	—	240 beds	12.5	0/240 beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL ¹ (Retail)	305,000 sq. ft.	10,000 sq. ft.	315,000 sq. ft.	—	33.8	N/A
MED. OFFICE (Office)	86,000 sq. ft.	10,000 sq. ft.	96,000 sq. ft.	—	17.2	96,000/175,000 sq. ft.
OUT PATIENT (Office)	<u>24,000 sq. ft.</u>	<u>24,000 sq. ft.</u>	<u>48,000 sq. ft.</u>	—	8.5	24,000/60,000 sq. ft.
MED CENTER (Office)	110,000 sq. ft.	34,000 sq. ft.	144,000 sq. ft.	—	25.7	120,000/235,000 sq. ft.
(Total of Medical Office and Out Patient)						
SUPPORT OFFICE (Office)	45,000 sq. ft.	—	45,000 sq. ft.	—	4.5	N/A
GOLF COURSE (Attraction Recreation)	1 golf course	—	1 golf course	—	118.4	N/A
GENERAL OFFICE (Office)	27,140 sq. ft.	176,664 sq. ft.	203,804 sq. ft.	—	8.6	10,000/250,000 sq. ft.
HOSPITAL (Hospital)	—	—	—	—	—	234 beds

¹Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

²Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.

2. Table 1 incorporates a Section 380.06(19)(e)2, Florida Statutes, 3 year extension to Phases I and II of the Development* resulting in buildout dates of 1997 for Phase I and 2002 for Phase II. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

The amounts of the various uses within the Development* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan, as required by the Manatee County Land Development Code, Ordinance 90-01, to allow flexibility in the exact land use mix shown in Columns D and E of Table 1 above, provided that the final Development* meets the following conditions:

- Exchanges of land uses for the Project* may not exceed the parameters denoted in Column G of Table 1 above, where applicable.
- The following uses designated in Table 1 shall remain as Proposed; Independent Living Facilities, Hotel, Commercial, Support Office and Golf Course.
- The Development* shall be limited to the uses identified in

TABLE 1
DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-1997	Column C Phase II 1998-2002	Column D Total Sq. Ft.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum N/A
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PC (Residential)	160 hus	80 hus	—	240 hus	10	120/320 hus
SN (Service)	120 beds	120 beds	—	240 beds	12.5	0/240 beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL ¹ (Retail)	305,000 sq. ft.	10,000 sq. ft.	315,000 sq. ft.	—	33.8	N/A
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HOSPITAL (Hospital)	—	—	—	—	—	234 beds

¹Titles in parentheses refer to land use designations as categorized by the State in Section 380.0631, Florida Statutes.

²Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located on 30+ acres in the southeast corner of the Project*.

1. The Development* by land use described in the Land Use Schedule set forth in Table 1 deviates from the Development* by land use described in the ADA* (prior to the Final Report of the TBRPC), however, as the analysis in Exhibit "A" demonstrates, the Development* by land use described in the land use schedule of Table 1 is equivalent to, or of less impact than, the Development* by land use described and addressed in the ADA*.

2. Table 1 incorporates a Section 380.06(19)(e)2, Florida Statutes, 3 year extension to Phases I and II of the Development* resulting in buildout dates of 1997 for Phase I and 2002 for Phase II. All other changes in phasing will be viewed cumulatively with this revision in phasing schedule.

The amounts of the various uses within the Development* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan, as required by the Manatee County Land Development Code, Ordinance 90-01, to allow flexibility in the exact land use mix shown in Columns D and E of Table 1 above, provided that the final Development* meets the following conditions:

- a. Exchanges of land uses for the Project* may not exceed the parameters denoted in Column G of Table 1 above, where applicable.
- b. The following uses designated in Table 1 shall remain as proposed; Independent Living Facilities, Hotel, Commercial, Support Office and Golf Course.
- c. The Development* shall be limited to the uses identified in

Table 1 of this Development Order unless and until the Developer* applies for and is granted a Comprehensive Plan Amendment for the hospital site, changing the Future Land Use Map ("FLUM") to Public/Semi-Public (2) Future Land Use Category, or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed as part of this DRI. If the Developer* obtains the said amendment to the Comprehensive Plan, the hospital shall not require an amendment to the Development Order or Map H. The Developer* shall be constructed in accordance with the phase schedule listed in Table 1.

In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage and parks, and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer* will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

A subsequent phase will be deemed to have commenced at the beginning of a calendar year indicated as the beginning of a phase as shown in Table 1 and/or when the Development* has utilized the capacity set aside for the preceding phase in any one of the following: transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage and parks, and recreation. The Development* status will be monitored by the County Through the Certificate of Level of Service Compliance process.

The Land Use Exchange request shall contain information sufficient to enable the County to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The impacts will be measured based upon the relevant factors currently used by the County (e.g., EDU tables, solid waste generation factors, etc.). The Developer* shall verify the appropriate factors with County staff prior to the submittal of any such Land Use Exchange request.

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic, and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor/generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution and/or particular roadway segments designated by the County.

The Developer* has provided a conversion matrix, attached hereto as a part of Exhibit A, which generally shows equivalent impacts between land uses which may be converted. This conversion matrix is to be considered the maximum conversion in land use which will be allowed, however, the methodology provided for in Section 3.A.2.c shall be utilized to determine if a specific exchange should be further limited.

The Developer* shall immediately notify the TBRPC and the DCA of all land use conversions authorized by the Board of County Commissioners under the procedure set forth above.

Any amendments to the land use mix or proposed phasing schedule (Table 1), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) following a word or phrase in the text of this Development Order denotes that the word or phrase is defined in Section 4 of the Development Order.

A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992 and April 27, 1992 and revised Map H dated October 7, 1991.

B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions and other factors.

C. "Developer" shall mean University Commons, L.P., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.

D. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA*, and/or this Development Order herein, to be constructed on the real property described in Section 8.

E. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final

The Developer* has provided a conversion matrix, attached hereto as a part of Exhibit A, which generally shows equivalent impacts between land uses which may be converted. This conversion matrix is to be considered the maximum conversion in land use which will be allowed, however, the methodology provided for in Section 3.A.2.c shall be utilized to determine if a specific exchange should be further limited.

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- B. "Best Management Practices" (BMP*) shall mean the method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions and other factors.
- C. "Developer" shall mean University Commons, L.P., its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- D. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA*, and/or this Development Order herein, to be constructed on the real property described in Section 8.
- E. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Final

Plat, and Final Site Plan process and/or construction drawing approval where site plans or subdivision plats are not required.

F. "Master Drainage Plan" shall mean a plan which shall show the proposed stormwater management components to be constructed for the entire project as follows:

1. existing topography;
2. existing drainage features, both on site and off site, that will affect the drainage concept of the Development*; existing and developed drainage basins, with their direction of outfall;
3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes and the eventual outfall for these lakes;
4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.

G. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

H. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Regulations ("FDER"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.

I. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA*.

J. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.

K. "Warranted" shall mean a determination by the County Transportation Division, Public Works Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

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

SECTION 5. DEVELOPMENT CONDITIONS:

A. (1) This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 3 of this Development Order. Development of the hospital referenced in Section 3.A.2.c is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use

designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

A. (2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*.

A. (3) The County has determined that with the Development Order conditions contained herein, there exists adequate level of service capacity for the concurrency items listed in Section 5.A.(2) above to accommodate the impacts of Phase I of the Development* and that said capacity for the impacts are being reserved for Phase I of the Development*. Level of Service capacity for Phase I shall be reserved for a period of five (5) years from the effective date of this Development Order.

A. (4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Development Order. All portions of Phase I must have Preliminary Site Plan* approval within five (5) years from the date of approval of this Development Order and all portions of Phase II must have Preliminary and Final Site Plan approval within ten (10) years from the date of approval of this Development Order.

Transportation

B. (1) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1
Phase I of the Development* shall require funding commitments from responsible entities for the roadway and intersection improvements, or alternative improvements of equal or greater capacity, listed in Tables 2 and 3. Without funding commitments for these improvements, construction permits for Vertical Development* shall not be issued for Phase I.

designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*.

A.(3) The County has determined that with the Development Order conditions contained herein, there exists adequate level of service capacity for the concurrency items listed in Section 5.A.(2) above to accommodate the impacts of Phase I of the Development* and that said capacity for the impacts are being reserved for Phase I of the Development*. Level of Service capacity for Phase I shall be reserved for a period of five (5) years from the effective date of this Development Order.

A.(4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Development Order. All portions of Phase I must have Preliminary Site Plan* approval within five (5) years from the date of approval of this Development Order and all portions of Phase II must have Preliminary and Final Site Plan approval within ten (10) years from the date of approval of this Development Order.

Transportation

B.(1) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1

Phase I of the Development* shall require funding commitments from responsible entities for the roadway and intersection improvements, or alternative improvements of equal or greater capacity, listed in Tables 2 and 3. Without funding commitments for these improvements, construction permits for Vertical Development* shall not be issued for Phase I.

TABLE 2

Phase 1 (1997) Required Link Improvements for University Commons

Roadway Segment Improvement Number	Road Segment	Total Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	I-75 (West) to I-75 (East)	D	6.6	Construct 2nd NB off-ramp lane at I-75.
2.	I-75 (West) to I-75 (East)	D	9.5	Construct 2nd SB on-ramp lane at I-75.

Airport Connector Road (located within Sarasota County)

TABLE 3

Phase I (1997) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.8	Signalize when MUTCD-Warranted*.
University Parkway (partially within Sarasota County)				
2.	U.S. 301	F	8.6	Construct 2nd NB & SB left turn lanes.
3.	I-75 (West Side)	F	9.1	Construct 3rd thru lane EB & WB. Signalize when MUTCD-Warranted*.
4.	I-75 (East Side)	F	11.6	Construct 2nd left turn lane NB & EB. Signalize when MUTCD-Warranted*.
5.	Tuttle Avenue at Project Access	N/A	N/A	Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn & 1 thru lane EB & WB. Signalize when MUTCD-Warranted*.

6. Lockwood Ridge Road N/A N/A Signalize when MUTCD-Warrant-ed*.
7. Lockwood Ridge Road N/A N/A Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Signalize when MUTCD-Warrant-ed*.
8. Lockwood Ridge Road N/A N/A Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are committed for construction in a timely manner in accordance with the Manatee County Concurrency Procedures Manual, as amended.

2. Intersection Improvement #1 will be funded by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization.

3. The Developer* shall fund the construction of and construct the improvement identified for intersection #2 or such alternative improvement which provides the same or greater intersection capacity if approved by the County. The County shall be responsible for the timely permitting of the improvement, or such alternative improvement which provides the same or greater intersection capacity. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code.

4. At the intersection of University Parkway/Tuttle Avenue, the Developer* shall either fund the construction of a southbound exclusive right turn lane or a right-in/right-out driveway at the southwest corner of the Development* providing direct access to University Parkway. The Developer* shall be responsible for the construction and funding of the right turn lane or right-in/right-out driveway, if approved by the County.

6.	Lockwood Ridge Road at Project Access B	N/A	N/A	Signalize when MUTCD-Warrant- ed*.
7.	Lockwood Ridge Road at Project Access C	N/A	N/A	Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Sig- nalize when MUTCD-Warrant-ed*.
8.	Lockwood Ridge Road at Project access Drive C-1	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are committed for construction in a timely manner in accordance with the Manatee County Concurrence Procedures Manual, as amended.

2. Intersection Improvement #1 will be funded by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization.
3. The Developer* shall fund the construction of and construct the improvement identified for intersection #2 or such alternative improvement which provides the same or greater intersection capacity if approved by the County. The County shall be responsible for the timely permitting of the improvement, or such alternative improvement which provides the same or greater intersection capacity. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code.
4. At the intersection of University Parkway/Tuttle Avenue, the Developer* shall either fund the construction of a southbound exclusive right turn lane or a right-in/right-out driveway at the southwest corner of the Development* providing direct access to University Parkway. The Developer* shall be responsible for the construction and funding of the right turn lane or right-in/right-out driveway, if approved by the County.

5. Intersection Improvements #3 and #4 will be funded by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization.
6. Intersection Improvement #5 will be funded and constructed by the Developer* and signalized prior to issuance of any Certificates of Occupancy for the Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center unless a Notice of Proposed Change is submitted and a hearing is conducted to determine if the proposed change is a Substantial Deviation.
7. Intersection Improvements #6, #7 and #8 will be funded and constructed by the Developer* and signalized prior to issuance of any Certificates of Occupancy for the Commercial and Golf Course portions of the Development* unless a Notice of Proposed Change is submitted and a hearing is conducted to determine if the proposed change is a Substantial Deviation.
8. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway).
9. In addition to satisfying Option 1, provisions B.(1)(a)1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Manatee and Sarasota Counties for Phase 1, which requirements of Sarasota County are attached to this Development Order as Exhibit "C".

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic

engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIS and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B.(2) The future roadway improvements assumed in the transportation analysis for the Development* consist of:

- (a) Lockwood Ridge Road as a four lane facility between University Parkway and Desoto Road; and
- (b) Lockwood Ridge Road as a four lane facility between Desoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

B.(3) The Developer* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

B.(4) Beginning with the first annual report required by this Development Order, an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B.(5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.

B.(6) The Developer* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the County, the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 or more family residential units (or the equivalent thereof in terms of trip

engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B. (2) The future roadway improvements assumed in the transportation analysis for the Development* consist of:

- (a) Lockwood Ridge Road as a four lane facility between University Parkway and DeSoto Road; and
- (b) Lockwood Ridge Road as a four lane facility between DeSoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

B. (3) The Developer* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

B. (4) Beginning with the first annual report required by this Development Order, an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B. (5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.

B. (6) The Developer* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 residential units (or the equivalent thereof) in the project.

generation) constructed after issuance of the Development Order for the University Commons DRI.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to further the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

Policy: Promote ridesharing by public and private section employees.

OBJECTIVES:

- Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995.

B. (7)

Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of the Developer's* application for Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review and approve such Phase II transportation analysis as it pertains to the transportation impacts on Sarasota County. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability.

B. (8)

The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the area marked "Skilled Nursing/Personal Care" on the University Commons Master Plan.

Lands and Soils

- C. (1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 17-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 17-730, F.A.C., shall not apply.

- C. (2) The soil conservation measures referenced on Pages 14- and 14-3 of the ADA* shall be required.

Wetlands:

- D. (1) All existing jurisdictional wetlands to remain on-site or wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas, pursuant to policy 10.1.2, FRCRPP, and impacts thereto

shall be minimized.

- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.

- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.

- D.(4) No development activities shall be permitted within regional, state or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives and policies of The Manatee County Comprehensive Plan.

- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.

- D.(6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Action Commission ("EAC"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.

- E.(2) Areas of the Development* which meet the conservation definition set forth in TBRPC policy 10.1.2, FRCRP, shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".

- E.(3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons

shall be minimized.

D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.

D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.

D.(4) No development activities shall be permitted within regional, state or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives and policies of The Manatee County Comprehensive Plan.

D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.

D.(6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

E.(1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Action Commission ("EAC"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.

E.(2) Areas of the Development* which meet the conservation definition set forth in TERPC policy 10.1.2, FRCRPP, shall be designated as such on the Development's* Master Plan known as Map H attached as Exhibit "D".

E.(3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons

site shall be preserved intact through incorporation into the golf course or a passive park, or mitigated in accordance with FGFWFC policies and approved by the County and the EAC.

Historical and Archaeological Sites

F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC, and Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.

F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage:

G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDER, the Southwest Florida Water Management District (SWFWMD) and the TBRPC for review and to the County and the EAC for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 17-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 - year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.

G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDER and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.

G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDER's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:

- (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.

- (b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development*.
- (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
- (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EAC. Collected data shall be furnished to the County, the EAC, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- G.(4) Pursuant to Rule 17-28.700, F.A.C., no discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDER for review, and to the County and the EAC for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste:

- H.(1) Within one year of the effective date of this Development Order, or prior to issuance of any building permits for the Development*, whichever occurs later, the Developer* shall prepare a hazardous substances (including biohazardous waste) and a hazardous waste management plan which shall be reviewed and approved by the County, the EAC, the FDER and the TBRPC, and then distributed by the Developer* to residential and non-residential land users within the DRI. At a minimum, the plan shall:
 - o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;
 - o indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designated containers;
 - o describe generally improper disposal methods;
 - o describe generally appropriate disposal methods;
 - o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - o describe a program to inform owners and tenants of the information contained in the plan;
 - o describe construction requirements for hazardous waste storage areas;

- (b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EAC. Collected data shall be furnished to the County, the EAC, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- G.(4) Pursuant to Rule 17-28.700, F.A.C., no discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDER for review, and to the County and the EAC for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

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- o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;
 - o indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designated containers;
 - o describe generally improper disposal methods;
 - o describe generally appropriate disposal methods;
 - o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - o describe a program to inform owners and tenants of the information contained in the plan;
 - o describe construction requirements for hazardous waste storage areas;

- o describe typical spill cleanup methods; and
- o be updated and distributed to each non-residential tenant annually.

H.(2) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.

H.(3) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.

H.(4) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EAC, and any state or federal agency or agencies with jurisdiction.

Energy:

I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.

I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:

- o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
- o obtain energy audits provided by energy companies or other qualified agencies;
- o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
- o promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- o institute and utilize recycling programs;
- o utilize energy efficient packaging and/or recyclable materials; and
- o install total energy systems on large facilities when cost effective.

Housing:

J.(1) The Developer* shall provide, on an as-needed basis, living units (with a varying number of bedrooms) which are accessible to, and adapted for use by, the handicapped.

J.(2) It is strongly encouraged that the Developer*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.

J.(3) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is more than offset by the availability of affordable housing within the transportation impact study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in the Development's* Transportation Impact Area* in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time.

J.(4) One hundred percent of the residential component of the Development* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.

K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to wastewater capacity availability.

L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.

- J.(2) It is strongly encouraged that the Developer*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.
- J.(3) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is more than offset by the availability of affordable housing within the transportation impact study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in the Development's* Transportation Impact Area* in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time.
- J.(4) One hundred percent of the residential component of the Development* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to wastewater capacity availability.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.

L.(3)

Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:

- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
- (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
- (c) Wet wells to contain sewage line surcharges/overflows.
- (d) Emergency by-pass pumpouts for tank trucks.
- (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

L.(4)

The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.

L.(5)

The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39) (See Exhibit E).

L.(6)

The Developer* shall not utilize on-site wastewater treatment.

L.(7)

Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer conceptual master plan shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

Water:

M.(1)

The County has determined that there exists adequate potable water capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate of Certificates of Level of Service Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to

future determinations as to potable water capacity availability.

- M.(2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.

- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.

- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.

- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development*.

- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning, Permitting and Inspections Department. The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning, Permitting and Inspections Department:

- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
- (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
- (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service

future determinations as to potable water capacity availability.

M. (2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.

M. (3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.

M. (4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

M. (5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.

M. (6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development*.

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M. (8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning, Permitting and Inspections Department. The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning, Permitting and Inspections Department:

- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
- (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
- (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

N. (1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of Phase I of the Development* and that said capacity is being reserved for a period of five (5) years from the effective date of this Development Order. This determination and reservation of capacity satisfies all of the underlying requirements for issuance of a Certificate or Certificates of Level of Service

Compliance for Phase I, or any subphase thereof, which Certificate or Certificates will be issued by the County upon the filing of an application by the Developer*. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to solid waste capacity availability.

N.(2) The applicant will investigate appropriate recycling efforts both during and after construction and report on this in each Annual Report.

N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

O.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.

P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.

P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.

P.(4) Recreation and open space areas shall be designed with due regard to both golfers and nongolfers. A passive recreational oriented open space area shall be provided for the nongolfing residents of the Development*. The area shall be at least two acres in size, provided prior to the commencement of Phase II, and located to provide easy access to guests/residents of the Development*.

P.(5) For purposes of Subsection 5.P. of this Development Order, the term "open space" does not include areas defined as "conservation" in Subsections 5.D. and 5.E. of this Development Order.

Police, Fire and Health Care

Q.(1) Emergency medical services and fire protection will be provided by Manatee County and/or the Southern Manatee Fire and Rescue District. The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of emergency service facilities for fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or

in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.

Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.

Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Q.(4) The commitments of the Developer* as discussed in the ADA* regarding health care for residents, shall be specifically required.

Air

R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using current FDER guidelines or those adopted by the FDER, whichever are more restrictive, that any significantly adverse air quality impacts caused by Phase II, or any subphase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any subphase thereof.

R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state and federal requirements.

S.(2) In the event that the proposed hospital is constructed, that facility shall coordinate with other area hospitals which are vulnerable to flooding and that would be required to evacuate. This coordination would include the possibility of being a partial "host facility" in the temporary sheltering and assistance of patients that would require evacuation. (Assistance regarding this matter should be obtained and coordinated through the Chief of the Manatee County Chapter of the American Red Cross.)

General Conditions

T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.

T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this

in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.

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T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this

Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further Orders and Conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC or the DCA and being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
- h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- i. A copy of any recorded Notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- k. A statement of the number of school age children residing within the Development*;
- l. A list of the entry ages of the residents moving into the Development* within the recording period;
- m. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- n. Reports and/or information pursuant to conditions B.(4), B.(6), F.(2), G.(3)(d.), H.(2), H.(3), L.(4) and N.(2) of this

Section 5.

T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

T.(5) In the event of a Development Order appeal or other legal challenge of this Development Order by the DCA or TBRPC, the Developer* shall pay all costs and fees of County staff and attorneys the County* is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer* related to such fees and costs shall be paid within 45 days of the submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses dated May 23, 1989; August 21, 1989; December 29, 1989; July 19, 1990; and December 19, 1990 respectively which shall be honored by the Developer*, except as they may be superseded by specific terms or conditions of the Development Order. These commitments in no way limit the commitments within the ADA* that the Developer* will be responsible for.

A. General Commitments

All of the residential components will be served by a community center, including social area, and an outdoor recreation complex.

The Development* will be designed to incorporate open space, landscaped green space and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be graded, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified

Section 5.

T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

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A. General Commitments

All of the residential components will be served by a community center, including social area, and an outdoor recreation complex.

The Development* will be designed to incorporate open space, landscaped green space and an extensive lake system. (ADA*, Page 12.4)

The Developer* shall provide for pedestrian and nonvehicular access ways within the project wherever possible. (SRI, Page 12-1)

B. Air Quality

Cleared and disturbed areas will be grassed, mulched, or sprinkled as is appropriate as soon as possible after clearing. (ADA*, Page 13.1)

The Developer* shall be required to implement the fugitive dust abatement procedures and air emissions control measures indicated on pages 13 .1, 14 .2 and 14.3 of the ADA*.

C. Land & Soils

The soil conservation measures referenced on pages 14-1 and 14-3 of the ADA*, at a minimum, shall be required.

Clearing, grubbing, and site grading will be carried out only on areas where construction is imminent, and only within the specified

limits of construction. Clearing and grubbing depth will be kept to the minimum necessary as dictated by accepted standards of site preparation and finished grading specifications. (ADA*, Page 14.2)

Wind erosion will be minimized by the wetting of drier soils during dry and windy periods, by minimizing construction time and by establishing vegetative cover on finished slopes as soon as possible after finished grading is complete. (ADA*, Page 14.2)

Soil erosion from pond and canal slopes will be minimized by utilizing appropriate slopes, minimizing construction times, and by establishing vegetative cover on finished slopes as soon as possible. (ADA*, Page 14.3)

Wetness limitations associated with soils will be overcome by local/area dewatering methods, where appropriate. (SRI, Page 12-1)

D. Vegetation and Wildlife

The largest contiguous portion of the 7.6 acre mixed hardwood/pine community will be incorporated within the edge of the golf course fairway. (SR5, Page 2)

Best Management Practices* (BMP*), including the use of hay bales, silt fences, turbidity barriers, etc., will be utilized during construction to minimize any potential adverse effects to surface water. (ADA*, Page 15.4)

Oil and grease skimmers constructed at the outfall water control structures will minimize discharges of oils, greases, and floating debris to downstream receiving waters. (SRI, Page 12-3)

Native wetland species will be used for revegetation of constructed littoral zones. (ADA*, Page 22.1)

The wet detention ponds and wetland mitigation areas will be monitored to ensure that invasive plant species do not become established. (SRI, Page 12-2)

Future water quality enhancements will be accomplished by a multiple step process: 1) runoff will be detained for a minimum three day period in the detention/retention areas to induce the settling of particulates in accordance with Chapter 40D-4, F.A.C.; 2) vegetated littoral shelves will encompass a minimum of 35% of pond surface area to aid in nutrient and heavy metal uptake, as well as provide a natural appearance; and 3) bleed-down structures will be used to eliminate floatable debris and contaminants from the water before eventually discharging to the Pearce drainage canal. (ADA*, Page 22.3)

Retention/detention lakes will be designed as a visual amenity to adjacent land uses. (SRI, Page 12-1)

E. Public Facilities

1. Water Supply

The Developer* will provide water conserving plumbing fixtures where practical. (SRI, Page 12-4)

2. Wastewater Management

There will be no industrial/hazardous wastes from the proposed Development* deposited into Manatee County wastewater facilities. (ADA*, Page 21.1)

3. Solid Waste

No on-site solid waste disposal will be provided. (ADA*, Page 24.1)

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SR1, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONES

1. To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

SECTION 8. LEGAL DESCRIPTION

Development of University Commons shall be restricted to the 286 acres currently owned by University Commons, L.P. and described by the legal description included as Exhibit "F" attached to, and made a part of, this Development Order.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

Physical development of the project shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the Board of County Commissioners; however no development shall occur until the expiration of the appropriate appeal for this Development Order expired. If more than five years shall have elapsed between approval of this Development Order and commencement of development under County Development Approval*, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING

For ten (10) years from the adoption date of this Development Order, the County may not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential to the public health, safety, or welfare.

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

4. Drainage

Maintenance for completed development components will include keeping all drainage structures and areas in good repair and maintaining healthy vegetative groundcover. (SRI, Page 12-2)

SECTION 7. CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

1. To the extent that the Developer* or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer* is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer* may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

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- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
 - B. The Order was based upon substantially inaccurate information provided by the Developer*; or
 - C. The change is clearly established by the County to be essential to the public health, safety, or welfare.
- Any down-zoning or reduction in density or intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

This Order shall be binding upon the Developer*, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically authorized herein.

SECTION 13. RENDITION

The Clerk of the Circuit Court is hereby directed to send certified copies of this Development Order to the Secretary of State within ten (10) days of the Board of County Commissioners approval date of this Development Order. Upon the receipt of an official acknowledgement from the Secretary of State's office, but no later than thirty (30) days, the Planning, Permitting and Inspections Department shall send certified copies of this Development Order to the Developer*, the DCA and the TBRPC.

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

SECTION 14. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this Development Order in accordance with Section 380.06 (15) (f), Florida Statutes, and shall furnish the Planning, Permitting and Inspections Department with a copy of the recorded notice.

SECTION 15. SEVERABILITY

If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 16. EFFECTIVE DATE

This Development Order shall become effective upon the rendition of this Development Order to the Developer*, the DCA and the TBRPC, and shall expire on December 31, 2006. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 3rd day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Edward W. Chance
First Vice-Chairman

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

BY: Justice G. Pearl
D.C.

SECTION 16. EFFECTIVE DATE

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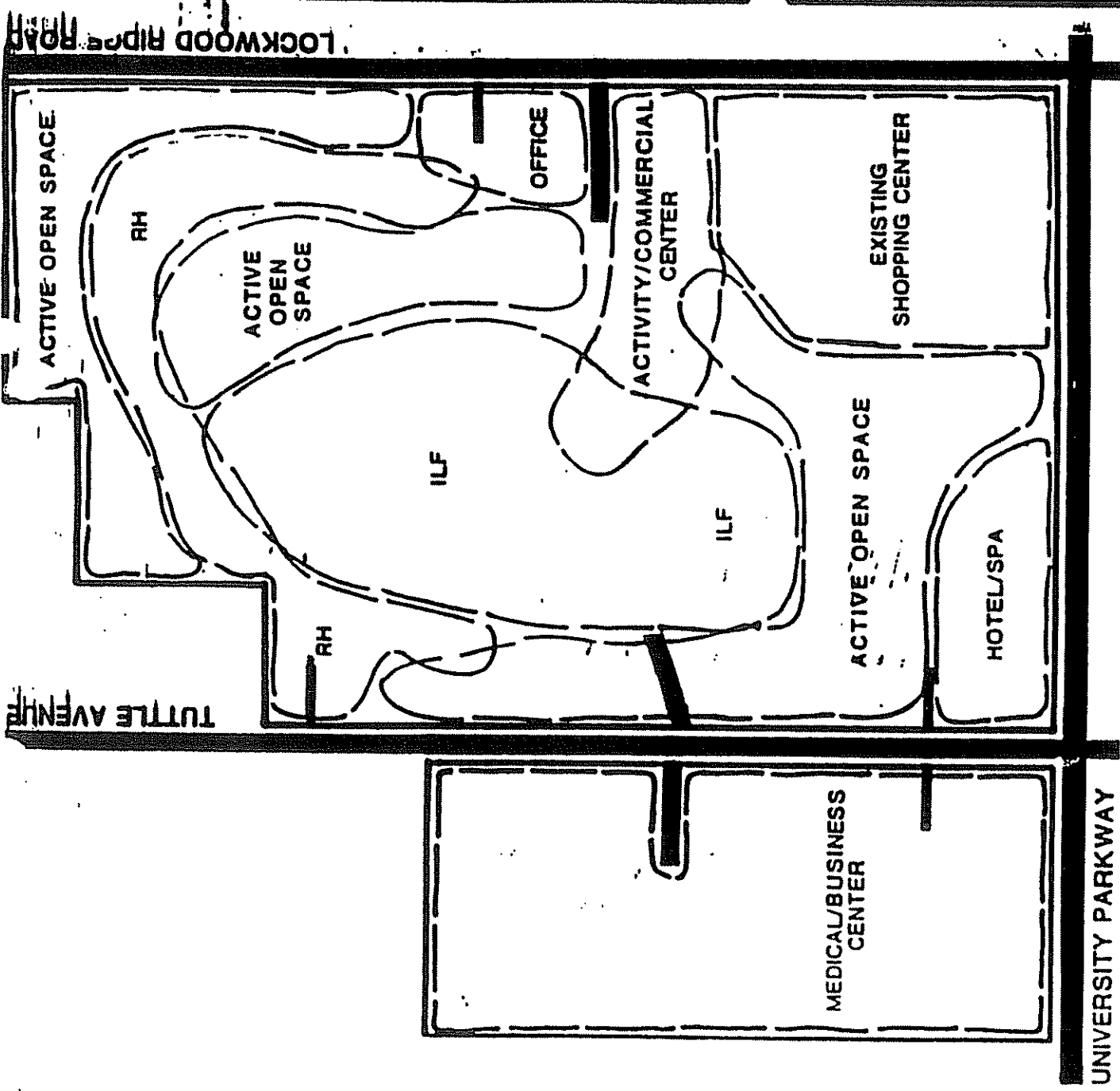
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BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Edward W. Chance
First Vice-Chairman

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

R. B. Shore, Jr.
D.C.



LEGEND

ILF - Independent Living Facility
 RH - Retirement Housing

NOTE: This map is intended to be only illustrative/schematic in nature and is not intended to reflect precise land use locations.

Greiner, Inc.

MAP REVISED 6/90 MAP REVISED 5/89
 MAP REVISED 7/90 MAP REVISED 11/90

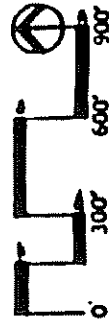
UNIVERSITY COMMONS

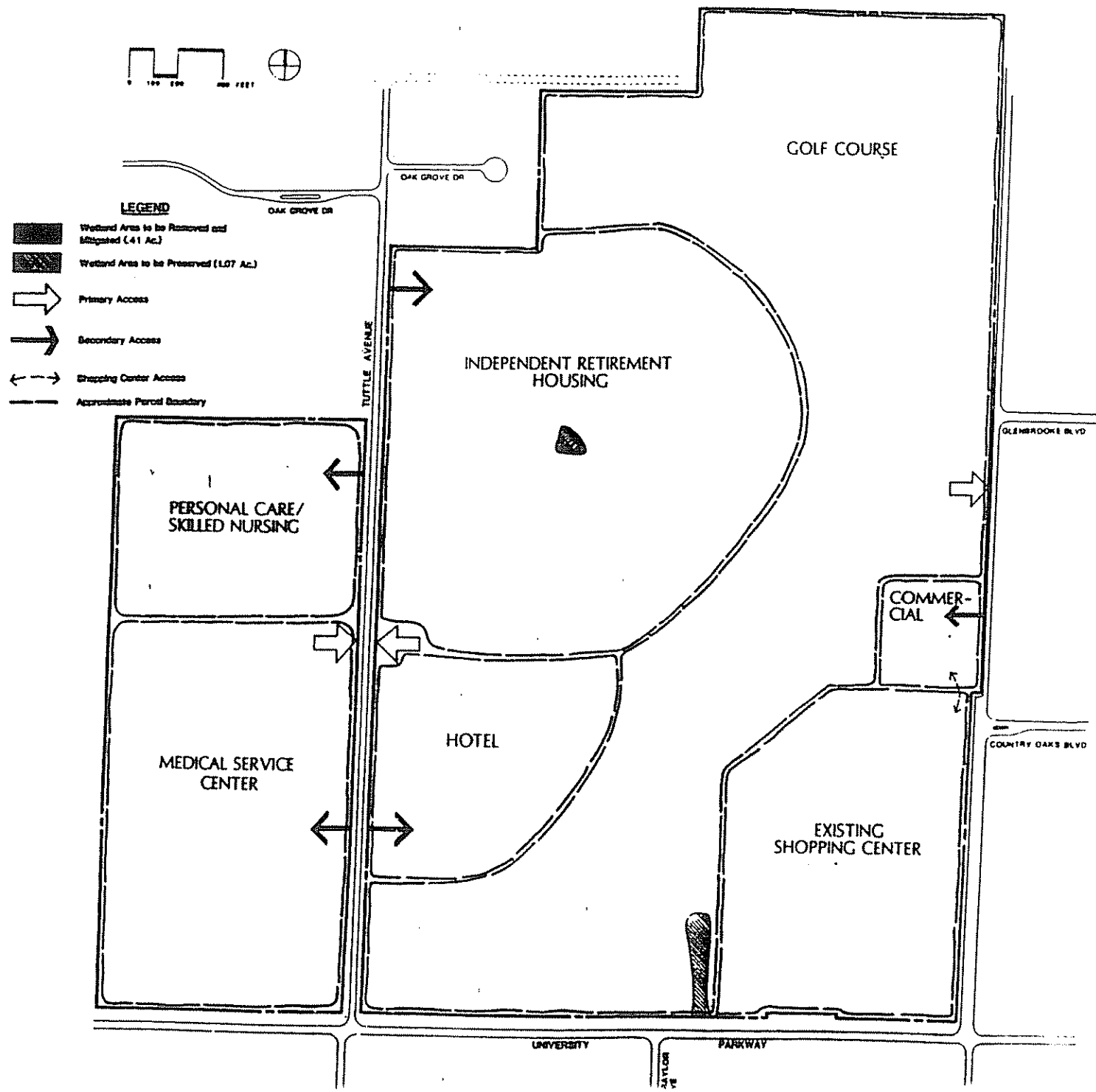
REVISED MAP

MASTER DEVELOPMENT PLAN

ATTACHMENT # 3

(Page 1 of 1)





UNIVERSITY COMMONS GENERAL DEVELOPMENT PLAN

PREPARED FOR: University Commons, L.P.
PREPARED BY: Greiner, Inc.

REVISED MAP H
EXHIBIT

TOTAL LEGAL DESCRIPTION
CONTAINS 3 SHEETS - DESCRIBING 6
PARCELS (A THROUGH F)

UNIVERSITY COMMONS
LEGAL DESCRIPTION

DUKE AND BENEDICT
SECTION 32-35-18 BOUNDARY

DESCRIPTION: PARCEL A

A TRACT OF LAND IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.E. CORNER OF SAID SECTION 32, RUN N 00° 48' 04" E, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 173.01 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE WEST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: N 89° 15' 10" W, A DISTANCE OF 21.58 FEET; THENCE N 89° 36' 09" W, A DISTANCE OF 1042.96 FEET; THENCE N 00° 34' 27" E, A DISTANCE OF 2480.38 FEET TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE S.E. 1/4 OF SAID SECTION 32; THENCE S 89° 37' 00" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1074.38 FEET TO THE AFORESAID WEST RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00° 48' 04" W, A DISTANCE OF 2480.82 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 60.90 ACRES, MORE OR LESS.

DUKE AND BENEDICT
SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL B

A TRACT OF LAND IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF SAID SECTION 33, RUN N 00° 48' 04" E, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 173.01 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE N 00° 48' 04" E, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 2506.06 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 1340.13 FEET TO THE N.W. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89° 18' 06" E, A DISTANCE OF 654.87 FEET TO THE N.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 00° 50' 21" W, A DISTANCE OF 1340.15 FEET TO THE S.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89° 18' 01" E, A DISTANCE OF 654.42 FEET TO THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SAID SECTION 33; THENCE S 00° 51' 30" W, ALONG THE LINE OF THE SAID N.W. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF THE S.W. 1/4, A DISTANCE OF 617.27 FEET TO THE INTERSECTION OF AN EXISTING FENCE LINE; THENCE S 80° 09' 44" E, ALONG SAID FENCE LINE, A DISTANCE OF 636.99 FEET; THENCE S 89° 07' 22" E, A DISTANCE OF 5.00 FEET TO THE WEST MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: S 00° 52' 38" W, A DISTANCE OF 262.71 FEET; THENCE S 01° 27' 01" W, A DISTANCE OF 162.01 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 652.60 FEET; THENCE S 50° 31' 00" W, A DISTANCE OF 538.04 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 1017.53 FEET TO THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE N 89° 15' 10" W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1502.46 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 126.41 ACRES, MORE OR LESS.

DUKE & BENEDICT.
Parcel C
DESCRIPTION: AS FURNISHED

THE NORTH 215 FEET OF THE SOUTH 1/2 OF THE N.E. 1/4
OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST, HANATEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

FROM THE N.E. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4
OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST,
RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID S.W. 1/4,
A DISTANCE OF 335.05 FEET TO THE POINT OF BEGINNING; THENCE
CONTINUING S 00° 52' 38" W, ALONG SAID EAST LINE, A DISTANCE
OF 218.30 FEET; THENCE N 89° 18' 01" W, A DISTANCE OF
754.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E.
1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST; THENCE N 00° 51' 30" E, A DISTANCE OF
218.30 FEET; THENCE S 89° 18' 01" E, A DISTANCE OF 654.29 FEET
TO THE POINT OF BEGINNING. LESS AND EXCEPT THE MAINTAINED
RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN
SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, HANATEE COUNTY,
FLORIDA.

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

CONTAINING 3.28 ACRES, MORE OR LESS.

DUKE & BENEDICT
Parcel D
DESCRIPTION: AS FURNISHED

FROM THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE N.E.
1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST, RUN NORTH ALONG EAST LINE OF SAID N.E. 1/4
OF N.E. 1/4 OF S.W. 1/4, 115 FEET TO A POINT; THENCE RUN
WEST 660 FEET TO A POINT ON THE WEST LINE OF SAID N.E. 1/4
OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTH 62.1 FEET TO A
POINT 52.9 FEET NORTH OF THE S.W. CORNER OF SAID N.E. 1/4
OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTHEASTERLY 320.594
FEET TO A POINT ON THE SOUTH LINE OF SAID N.E. 1/4 OF N.E.
1/4 OF S.W. 1/4 WHICH IS 316.2 FEET EAST OF THE SOUTHWEST
CORNER THEREOF; THENCE CONTINUE SOUTHEASTERLY 322.414 FEET
TO A POINT ON THE WESTERLY RIGHT OF WAY OF LOCKWOOD RIDGE
ROAD WHICH IS 48.13 FEET SOUTH OF THE SOUTH LINE OF SAID
N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4; THENCE CONTINUE SOUTHEASTERLY
ON THE SAME LINE TO THE EASTERLY LINE OF THE S.E. 1/4 OF
N.E. 1/4 OF S.W. 1/4 OF SAID SECTION, WHICH IS ALSO THE
CENTERLINE OF LOCKWOOD RIDGE ROAD; LESS AND EXCEPT THE RIGHT
OF WAY OF LOCKWOOD RIDGE ROAD.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

BEGINNING AT THE S.E. CORNER OF THE N.E. 1/4 OF THE
N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,
RANGE 18 EAST; THENCE RUN N 00° 52' 38" E, ALONG THE EAST
LINE OF SAID S.W. 1/4, A DISTANCE OF 116.76 FEET; THENCE
N 89° 18' 01" W, A DISTANCE OF 654.22 FEET TO THE WEST LINE
OF SAID N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4; THENCE
S 00° 51' 30" W, ALONG SAID WEST LINE, A DISTANCE OF 63.91 FEET;
THENCE S 80° 09' 44" E, A DISTANCE OF 636.99 FEET; THENCE
S 89° 07' 22" E, A DISTANCE OF 5.00 FEET; THENCE S 89° 52'
14" E, A DISTANCE OF 19.98 FEET TO THE EAST LINE OF SAID
S.W. 1/4; THENCE N 00° 52' 38" E, A DISTANCE OF 48.13 FEET
TO THE POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF
WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION
33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, HANATEE COUNTY, FLORIDA.

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

CONTAINING 1.75 ACRES, MORE OR LESS.

ATTACHMENT #5 (Page 2 of 4)

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DUKE & BENEDICT - SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL E

THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LESS A STRIP OF LAND 42 FEET WIDE OFF THE WEST SIDE OF SAID PARCEL FOR RIGHT OF WAY PURPOSES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE N.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 48' 04" W, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 2680.24 FEET TO THE S.W. CORNER OF THE N.W. 1/4 OF SAID SECTION 33; THENCE S 89° 18' 01" E, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE CONTINUING S 89° 18' 01" E, ALONG THE SOUTH LINE OF THE N.W. 1/4 OF SAID SECTION 33, A DISTANCE OF 612.22 FEET TO THE S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 670.07 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE N 89° 18' 05" W, A DISTANCE OF 612.44 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00° 48' 04" E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 670.06 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 9.42 ACRES, MORE OR LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

BOUNDARY REMAINING AFTER R/V DEDICATION FOR LOCKWOOD RIDGE ROAD

DESCRIPTION:

FROM THE S.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 89° 15' 10" E, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1532.62 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 173.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 810 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE CONTINUE N 00° 44' 50" E, A DISTANCE OF 1017.53 FEET; THENCE N 50° 31' 00" E, A DISTANCE OF 539.04 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 614.22 FEET; THENCE S 00° 52' 38" W, A DISTANCE OF 1348.48 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SEVEN CURVES: S 57° 47' 43" W, A DISTANCE OF 31.28 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 01° 41' 47" W, AT A DISTANCE OF 3039.58 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 56' 59", A DISTANCE OF 96.85 FEET TO THE P.T. OF SAID CURVE; THENCE N 89° 15' 10" W, A DISTANCE OF 482.50 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 310.00 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 106.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 30.24 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

DESCRIPTION:

THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO: THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

TOGETHER WITH: THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (BY THE UNDERSIGNED)

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 520.00 FEET; THENCE N 89° 18' 06" W, A DISTANCE OF 19.46 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1155.23 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 636.79 FEET; THENCE N 00° 51' 30" E, ALONG THE WEST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THENCE TO N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 654.42 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N 00° 50' 21" E, ALONG SAID WEST LINE, A DISTANCE OF 1340.15 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33. THENCE CONTINUING N 00° 50' 21" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.04 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE S 89° 18' 07" E, ALONG THE NORTH LINE OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1287.78 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00° 37' 11" W, 445.05 FEET; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 410.00 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

STATE OF FLORIDA COUNTY OF MANATEE

I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the public records of the State of Florida.

Board of County Commissioners at said County Court containing 54.50 ACRES, MORE OR LESS.

the day of June, 1942, this 15th day

of June, 1942, in Bradenton, Florida.

R. B. Shore

Clerk of Circuit Court

By: *Shirley D.C.*

Greiner

Greiner, Inc.
P.O. Box 646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C1754:04
March 13, 1992

Mr. Michael Pendley, Principal Planner
Manatee County
Planning and Zoning Department
Post Office Box 1000
Bradenton, Florida 34206-1000

Reference: University Commons DRI

Dear Mr. Pendley:

Enclosed please find a Technical Memorandum entitled "Land Use Changes". This memorandum presents the two-step change in land uses which we discussed at our last meeting. By copy of this letter, copies of this memorandum are also being provided to the Tampa Bay Regional Planning Council and the Department of Community Affairs.

As we discussed, it is our intention to include the step one Alternative Development Schedule as the development schedule in the DRI development order. The step two Development Equivalency Plan will provide the limited flexibility which will be required during the development of University Commons to allow for potential refinements in project buildout.

Please review and comment on this material as soon as possible, since our Planning Commission hearing is scheduled for April 1, 1992.

Sincerely,

GREINER, INC.



Randy Coen
Senior Project Manager

RGK:vh

c: Suzanne Cooper, TBRPC
Marina Pennington, DCA
James Gardner
David Mechanik
James Dye

Greiner

Greiner Inc.
P.O. 31646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C1754.04
March 13, 1992

Mr. Michael Pendley, Principal Planner
Manatee County
Planning and Zoning Department
Post Office Box 1000
Bradenton, Florida 34206-1000

Reference: University Commons Rezoning/DRI

Dear Mr. Pendley:

Enclosed please find ten (10) copies of the revised General Development Plan. We have made every effort to address each of the issues identified by the County, as well as, many others which have arisen as a result of the DRI development order negotiations.

The Land Use Allotment by Phase table reflects the revised phasing of the project we discussed at our last meeting. A copy of the Land Use Changes Technical Memorandum also included in this transmittal.

As I assured Ms. Wolfe during our meeting, the General Conditions specifically address the interconnection of on-site land uses. The plan itself depicts the requested shared access drive at the southwest corner of the property.

I will contact you shortly to set up an informal meeting for the two of us to review this information and discuss applicable revisions to the Zoning and DRI staff reports.

Sincerely,

GREINER, INC.



Randy Coen
Senior Project Manager

RG:Cvh

c: James Gardner
David Mechanik
James Dye

TECHNICAL MEMORANDUM Land Use Changes University Commons

This memorandum presents a two-step exchange of land uses assessed within the University Commons DRI Application and five Sufficiency Response documents (the "ADA"). The first step exchange provides for a one-time adjustment of project land use phasing to coincide with current and projected market trends. The second step exchange provides for the limited additional exchange of some land uses within the project.

Table 1 presents the step one phasing exchange along with a comparison to the phasing assessed in the DRI review. Tables 2 and 3 which follow with a detailed discussion provide the documentation necessary to demonstrate that the alternative requested for each of the two development phases are achieved by exchanges within that specific phase and that no additional infrastructure demands are created in either of the project phases.

An itemized description of the step one phasing changes is provided below:

Villas - eliminated due to market considerations.

Independent Living (IL) - units per phase adjusted to reflect finalized building design of 242 units per building, with a total of three buildings.

Personal Care (PC) - Phase I units increased to meet demand and finalized building design of 80 units per building.

Skilled Nursing (SN) - Phase I increase necessary to allow construction of shelter beds (project specific) and a community serving facility of 120 beds.

Hotel - fully developed in Phase I as a necessary support facility which can not be constructed in phases due to site plan required vertical design.

Commercial - remains unchanged.

Medical Office - Phase I increased due to delay of Hospital until Phase II.

Out-Patient Services - remains unchanged.

Hospital - moved to Phase II and converted to General Office due to currently required state approval timeframes and Manatee County required land use plan amendment.

Support Office - remains unchanged.

Medical Office/Showroom - eliminated due to market considerations and enhanced University Commons program criteria.

Golf Course - remains unchanged.

General Office - specifically defined square footage.

At buildout, the ADA and alternative land use totals are identical with the following exceptions: Villas and Medical Office/Showroom are eliminated, IL units are slightly reduced, and General Office square footage is specifically defined. It is important to note that these exchanges are independently achieved by phase and are thus stand alone exchanges which do not rely on approvals outside of the phase in which they occur.

Tables 2 and 3 present the exchanges necessary within Phase I and within Phase II, respectively, from a transportation perspective to achieve the alternative phasing. The exchange of p.m. peak hour peak direction external trips by land use conforms to the requirements of TBRPC. Detailed information regarding the specific exchange of trips is provided in the "Exchange Calculation" section of each table and the applicable footnotes.

Tables 4 and 5 present an analysis of wastewater, water, solid waste and employment as it relates to Phase I and the cumulative effects of Phase I and Phase II (i.e., buildout), respectively. The ADA assessed quantities for Phase I and buildout are provided at the bottom of each table and compared to the alternative quantities. In all cases, the alternative is less than the ADA assessed amount.

The step one exchange does not exceed the transportation, wastewater, water, solid waste, or employment demands assessed in the DRI analysis for either Phase I or project buildout. In addition, no new land uses have been introduced as a result of the exchange and project buildout is not significantly altered as a result of the exchange.

The step two exchange provides for limited adjustment of project land uses based on Department of Health and Rehabilitative (HRS) approvals/determinations which are beyond the control of all parties involved in the development order approval process. Specifically, the two land uses directly affected by HRS are the Hospital and Skilled Nursing. The land uses which could require adjustments due to HRS actions are Personal Care, Medical Office, Out-Patient Services, Skilled Nursing, and General Office.

Table 6 provides a Development Equivalency Plan which allows for the limited exchange between the land use listed above. The table also identifies minimums and maximums to limit these step two exchanges. The equivalency factors identified in the table are based on

p.m. peak hour peak direction traffic, as required by TBRPC. The table also requires that once a specific exchange is identified the resulting wastewater, water, solid waste and employment quantities must be identified and assurance provided that each ADA assessed infrastructure quantity (i.e., wastewater, water, solid waste and employment) for that specific phase of development will not be exceeded as a result of the exchange.

Referring to the specific exchanges allowed in Table 6, the following itemized description is provided:

General Office square footage may be exchanged to provide Hospital beds or additional Medical Office/Out-Patient Service square footage, and/or Skilled Nursing beds.

Skilled Nursing - beds may be exchanged to provide one or more of the following alternative service land uses: Hospital, Personal Care living units, Medical Office square footage, Out-Patient Services square footage, and General Office square footage.

As described, the primary purpose of the Development Equivalency Plan is to provide for the exchange of similar services to the maximum extent possible. The General Office land use is included out of the necessity since it is unrealistic to totally replace the Hospital and/or Skilled Nursing land uses (the desired land use) with other medically related facilities.

Appropriate controls (minimum and maximum exchange limits, and utility/employment verifications) are provided in footnotes #1 and #2 of Table 6. As a result, the use of the Development Equivalency Plan will not result in exceedances of the transportation, utility or employment quantities assessed for Phase I or Phase II of University Commons. In addition, these exchanges will not result in changes in transportation patterns since appropriate caution has been taken in the selection of land uses included and the controls placed on the exchanges.

REVISED
TABLE 31.11
7 Phase I (+/B9)
1994 WITH PROJECT P.M. PEAK HOUR TRAFFIC CONDITIONS
University Commons

Link Index	Roadway Link	Existing Lanes/LOS ¹	Length In Miles	Background		Project		Total		P.M. Peak		P.M.		Project		Initial Rev'n.
				P.M. Peak		P.M. Peak		P.M. Peak		P.M. Peak		P.M.		X LOS		
				Hour Volume	Hour Volume	Hour Volume	Hour Capacity ²	Peak Hour LOS	Service Volume	Service Volume						
				NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	
<u>Tallevast Road</u>																
T-1	Old Bradenton Road to U.S. 301	2L/D	0.90	208 197	159 171	27	28 235 224	187 177	910	870	C ⁺	C ⁺	3.18	3.50	NO	
T-2	U.S. 301 to Tuttle Avenue	2L/D	1.25	480 455	310 330	66	90 546 521	400 426	910	870	E ⁺	C ⁺	7.76	11.25	NO	
T-3	Tuttle Avenue to Lockwood Ridge Road	2L/D	0.50	401 380	297 332	60	95 461 440	392 427	910	870	C ⁺	C ⁺	7.06	11.88	NO	
<u>University Parkway</u>																
U-1	Old Bradenton Road to U.S. 301	2L/D	1.00	667 848	919 1046	48	74 735 896	993 1120	1,000	1,030	D ⁺	E ⁺	5.11	7.63	YES	
U-2	U.S. 301 to Tuttle Avenue	2L/D	1.00	1512 1311	777 1137	204	293 1716 1515	1,070 1137	1,030	1,000	F ⁺	F	21.03	31.17	YES	
U-3	Tuttle Avenue to Lockwood Ridge Road	2L/D	0.50	1697 1372	1192 1114	263	255 1794 1635	1,447 1701	1,030	1,000	F ⁺	F	27.11	27.13	YES	
U-4	Lockwood Ridge Road to Longwood Drive	2L/D	1.70	1935 1555	1398 1737	293	204 1714 1848	1,602 1731	1,030	1,000	F ⁺	F	30.21	21.70	YES	
U-5	Longwood Drive to I-75	2L/D	1.90	2432 204	2040 2257	245	1712 2257 2457	2,211 2457	1,030	1,000	F ⁺	F	25.26	18.19	YES	
<u>Desoto Road</u>																
D-1	Old Bradenton Road to U.S. 301	2L/C	1.00	771 734	803 875	47	60 818 781	865 735	770	810	E ⁺	F ⁺	9.04	9.23	YES	
D-2	U.S. 301 to Tuttle Avenue	2L/C	1.00	876 793	358 387	40	58 936 833	414 445	810	770	F ⁺	C ⁺	6.15	11.15	YES	
D-3	Tuttle Avenue to Lockwood Ridge Road	2L/C	0.50	413 379	248 267	19	22 432 398	270 289	810	770	C ⁺	C ⁺	2.92	4.23	NO	
<u>Longwood Drive</u>																
D-4	Lockwood Ridge Road to University Parkway	2L/C	2.00	460 425	388 434	33	23 473 458	411 457	910	870	C ⁺	C ⁺	4.29	3.15	NO	
<u>U.S. 301</u>																
US-1	Tallevast Road to University Parkway	4L/D	1.00	1617 1496	1228 1348	69	49 1716 1565	1,277 1377	2,080	2,020	C ⁺	C ⁺	3.54	2.58	NO	
US-2	University Parkway to Desoto Road	4L/D	0.50	2127 1878	1451 1615	78	113 2257 1956	1,564 1721	1,860	1,780	F ⁺	E ⁺	4.46	6.73	YES	
<u>Tuttle Avenue</u>																
Tu-1	Tallevast Road to University Parkway	2L/D	1.00	314 278	228 237	59	41 273 329	269 278	910	870	C ⁺	C ⁺	6.94	5.13	NO	
Tu-2	University Parkway to Desoto Road	2L/C	0.50	267 195	218 301	107	154 374 302	369 455	770	810	C ⁺	C ⁺	20.58	23.69	YES	
Tu-3	Desoto Road to 27th Avenue	2L/C	2.00	573 476	539 712	34	49 510	588 761	870	910	C ⁺	C ⁺	4.66	6.36	YES	
Tu-4	27th Avenue to Ringling Boulevard	2L/C	1.50	573 476	539 712	16	23 589 492	562 735	870	910	C ⁺	C ⁺	2.19	2.99	NO	

TABLE 31.11

1984 WITH PROJECT P.M. PEAK HOUR TRAFFIC CONDITIONS
 University Commons
 (Continued)
 (4/89)

Link	Roadway Link	Existing Lanes/LOS ¹	Length in Miles	Background P.M. Peak Hour Volume NB/EB SB/WB	Project P.M. Peak Hour Volume NB/EB SB/WB	Total P.M. Peak Hour Volume NB/EB SB/WB	P.M. Peak Hour Capacity ² NB/EB SB/WB	P.M. Peak Hour LOS NB/EB SB/WB	Project % LOS Service Volume NB/EB SB/WB
L-1	Talvest Road to University Parkway	2L/D	1.00	460 369	537 778	62 917 458	599 840 870	910	11.13
L-2	University Parkway to Desoto Road	4L3/C	0.50	492 411	661 176	127 480 499	788 911 1,570	1,640	9.36
L-3	Desoto Road to 27th Avenue	4L3/C	2.00	659 548	853 751	486 72 579	901 991 1,750	1,830	3.06
L-1-1	S.R. 70 to University Parkway	4L/C	4.00	239 2313	17892 1862 103	72 261 2416	17964 5,250	5,250	2.69
L-2	University Parkway to C.R. 780	6L/C	3.80	27826	27310 224 99	142 24923	27432 5,250	5,250	3.43

¹ Level of Service standard based on maintenance responsibility.

² From FDOT's "Generalized Hourly Peak Directional Level of Service Maximum Volume for Florida's Urbanized Areas. Counter-Peak (off-peak) service volumes calculated in accordance with the FDOT memorandum criteria dated July 6, 1988. Copies of all appropriate counter-peak calculations are appended.

³ Committed improvement for 1989. RT S&T.

4 SIC Existing Traffic 31.15 for improvement locations.

31-13

TABLE 31.15
 7 Phase I
 1994 ROADWAY IMPROVEMENTS¹
 University Commons

Link Index	Roadway Link	Existing Lanes/LOS ¹	1994 Background Traffic				1994 With Project					
			LOS Before Improvement		Required Improvement ²	LOS After Improvement		LOS Before Improvement		Required Improvement ³	LOS After Improvement	
			NB/EB	SB/WB		NB/EB	SB/WB	NB/EB	SB/WB		NB/EB	SB/WB
<u>University Parkway</u>												
U-1	Old Bradenton Road to U.S. 301	2L/D	D	D ^E	Widen to 6L	C	C	D ^C	EC	Widen to 4L	E	E
U-2	U.S. 301 to Tuttle Avenue	2L/D	F	C	Widen to 4L	C [✓]	C [✓]	C	C	...	...	...
U-3	Tuttle Avenue to Lockwood Ridge Road	2L/D	F	F	Widen to 4L	C [✓]	C [✓]	C	C	...	...	...
U-4	Lockwood Ridge Road to Longwood Drive	2L/D	F	F	Widen to 4L	C [✓]	C [✓]	BC	C	...	...	...
U-5	Longwood Drive to I-75	2L/D	F	F	Widen to 6L	C [✓]	C [✓]	C	C	...	...	...
<u>Desoto Road</u>												
D-1	Old Bradenton Road to U.S. 301	2L/C	E	E	Widen to 4L	C [✓]	C [✓]	C	C	...	...	...
D-2	U.S. 301 to Tuttle Avenue	2L/C	E	C	Widen to 4L	C [✓]	C [✓]	C	C	...	...	...
<u>U.S. 301</u>												
US-2	University Parkway to Desoto Road	4L/D	F	C	Widen to 6L	D ^E	C [✓]	CD	C	...	...	...

¹ Level of Service standard based on maintenance responsibility.

² Improvements required to accommodate 1994⁷ background traffic and reflect current improvements under construction.

³ Improvements required in addition to those necessary to accommodate 1994⁷ background traffic.

⁴ NO CHANGES IN IMPROVEMENT LOCATIONS DUE TO 3 YEAR EXTENSION (1994 + 1997), SEE REVISION TABLE 31.11.

TABLE 1
SCREENLINE COMPARISON OF 1999 W/PROJECT VOLUMES
University Common

Index ¹ Roadway Link	Scenario ²	Existing/ Committed Lanes/LOS ³	PM Peak Hour Capacity ⁴ MB/EB SB/MB	Background Hour Volume MB/EB SB/MB	Project Hour Volume MB/EB SB/MB	Total PM Peak Hour Volume MB/EB SB/MB	Peak Hour LOS MB/EB SB/MB	Required Improvement
U-1 Old Bradenton Road - US 301	0	2L/D	1,000 1,030	1,130 1,147	6148 628	9474 628	945 1,224	Widen to 4 Lanes
U-2 US 301 - Tuttle	0	2L/D	1,000 1,030	1,477 1,477	260204 287205	393213 434341	1,006 1,038	Widen to 6 Lanes
D-1 Old Bradenton Road - U.S. 301	0	2L/C	800 850	771 825	8647 922875	8647 922875	85658 1,012	Widen to 4 Lanes
D-2 US 301 - Tuttle	0	2L/C	800 850	771 825	8647 922875	8647 922875	85658 1,012	Widen to 4 Lanes
A-1 Old Bradenton Road - University Parkway	0	4L/C	1,630 1,710	1,630 1,710	1,630 1,710	1,630 1,710	1,630 1,710	None

¹ See Map 2-1 for link location.

² 0 = Original roadway network per DRI traffic study i.e., no Airport Connector Road.
R = Revised network includes Airport Connector Road and all laning of University Parkway from US 301 to Interstate 75.
3 Level of service standard based on maintenance responsibility.
4 From FDOT's "Generalized Hourly Peak Direction Level of Service Maximum Volume for Florida's Urbanized Areas."
5 Background and project volumes for this roadway were obtained by assigning 40% of background traffic from University Parkway and Desoto Road and project traffic percentage as shown on Exhibit 3.

17 Phase I
TABLE 31.11
(Revised 10-24-91)
1994 WITH PROJECT P.M. PEAK HOUR TRAFFIC CONDITIONS
University Commons

Link Index	Roadway Link ⁴	Existing Lane#/LOS ¹	Length In Miles	Background P.M. Peak Hour Volume		Project P.M. Peak Hour Volume ³		Total P.M. Peak Hour Volume ³		P.M. Peak Hour Capacity ²		P.M. Peak Hour LOS	
				NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
1-3	<u>Tallevast Road</u>												
	Tuttle Avenue to Lockwood Ridge Road	2L/D	0.50	401 380	332 297	60(19)	95(30)	461(420) 440(399)	427(362) 392(327)	910	870	C	C
U-3	<u>University Parkway</u>												
	Tuttle Avenue to Lockwood Ridge Road	2L/D	0.50	1,337 1,372	1,514 1,192	263(211)	255(199)	1,600(1,582) 1,635(1,583)	1,769(1,713) 1,447(1,391)	1,030	1,000	F	F
3 Tu-1	<u>Tuttle Avenue</u>												
	Tallevast Road to University Parkway	2L/D	1.00	214 270	237 228	59(86)	41(55)	273(260) 329(356)	278(292) 269(283)	910	870	C	C
L-1	<u>Lockwood Ridge Road</u>												
	Tallevast Road to University Parkway	2L/D	1.00	460 369	778 537	89(60)	62(38)	549(520) 458(429)	740(616) 599(575)	870	910	C	C

¹ Level of Service standard based on maintenance responsibility.

² From FDOT's "Generalized Hourly Peak Direction" Level of Service Maximum Volumes for Florida's Urbanized Areas. Counter-peak (off-peak) service volumes calculated in accordance with the FDOT memorandum criteria dated July 6, 1988. Copies of all appropriate counter-peak calculations are appended in original analysis.

³ xx - Project volume and total volume with original Trip Distribution.
(xx) - Project volume and total volume with Revised Trip Distribution.

⁴ All other roadway links remain unchanged as a result of the redistribution.

TABLE 1
LAND USE SUMMARY
University Commons

Land Use	PHASE I - 1997		PHASE II - 2002		BUILDOUT - 2002	
	ADA	Alternative	ADA	Alternative	ADA	Alternative
Villas	100 dus	0	0	0	100 dus	0
IL	400 jus	484 jus	400 jus	242 jus	800 jus	726 jus
PC	80 jus	160 jus	160 jus	80 jus	240 jus	240 jus
SN	120 beds	120 beds	120 beds	120 beds	240 beds	240 beds
Hotel	120 rooms	240 rooms	120 rooms	0	240 rooms	240 rooms
Commercial	55 ksft	55 ksft	10 ksft	10 ksft	65 ksft	65 ksft
Med. Off.	48 ksft	86 ksft	48 ksft	10 ksft	96 ksft	96 ksft
Out Patient	24 ksft	24 ksft	24 ksft	24 ksft	48 ksft	48 ksft
Med. Ctr.	72 ksft	110 ksft	72 ksft	34 ksft	144 ksft	144 ksft
Hospital	156 beds	0	78 beds	0	234 beds	0(1)
Support Office	45 ksft	45 ksft	0	0	45 ksft	45 ksft
Med. Off/Show	108 ksft	0	108 ksft	0	216 ksft	0
Golf Course	1	1	1	1	1	1
General Office	--	27,140 sft	--	176,664 sft	--	203,804 sft

(1) 234 Hospital beds are provided for in General Office; the equivalency is 170,803 sft of General Office

TABLE 2
ALTERNATIVE PHASE I LAND USES TRANSPORTATION EXCHANGES

University Commons

Land Use	PHASE I - 1997			Required Trade Off	Exchange Calculation ^{1,2}
	ADA	Alternative	Change		
Villas	100 dus.	0	0	--	--
IL	400 lus.	484 lus.	+84 lus.	21 Villas	21 dus x 4 lus/du ² = 84 lus
PC	80 lus.	160 lus.	+80 lus.	3,927 sf Med Off/Show	3.927 ksf x 20.37 lus/ksf = 80 lus
SN	120 beds	120 beds	0	--	--
Hotel	120 rms.	240 rms.	+120 rms.	30,075 sf Med Off/Show	30.075 ksf x 3.99 rms/ksf = 120 rooms
Commercial	55 ksf	55 ksf	0	N/A	N/A
Med. Off.	48 ksf	86 ksf	+38 ksf	79 Villas	79 dus x 63.72 sf/du ² = 5,034 sf
Out Patient	24 ksf	24 ksf	0 ksf	21,311 Med Off/Show	21.311 ksf x 324.48 sf/ksf = 6,915 sf
Med. Ctr.	72 ksf	110 ksf	+38 ksf	127 Hosp. beds	127 beds x 205.13 sf/bed = 26,051 sf
Hospital	156 beds	0	-156 beds	--	--
Support Office	45 ksf	45 ksf	0	--	--
Med. Off/Show	108 ksf	0	-108 ksf	--	--
Golf Course	1	1	1	N/A	N/A
General Office	--	27,140 sf ³	+27,140 sf ³	52,687 sf Med Off/Show 29 Hospital beds	52.687 ksf x 558.70 sf/ksf = 29,436 sf 29 H beds x 353.19 sf/H bed = 10,242 sf

¹ Calculations based on whole numbers (i.e., fractional units excluded).

² Exchange factors based on development totals from Revised Tables 31.8 and external project peak hour peak direction traffic obtained from Table 31.10 of Fourth Response to Comments document, copies appended.

³ Office square footage reduced from 39,678 s.f. due to appended revised Phase I detailed trip generation calculations provided on Revised Tables 31.8 and 31.9, dated 3/12/92.

TABLE 3
ALTERNATIVE PHASE II LAND USES TRANSPORTATION EXCHANGES

University Commons			
Land Use	PHASE II - 2002		Required Trade Off
	ADA	Alternative	Change
Villas	0	0	0
IL	400 lus.	242 dus.	-158 lus.
PC	160 lus.	80 lus.	-80 lus.
SN	120 beds	120 beds	0
Hotel	120 rms.	0	-120 rms.
Commercial	10 ksf	10 ksf	0
Med. Off.	48 ksf	10 ksf	-38 ksf
Out Patient	24 ksf	24 ksf	0 ksf
Med. Ctr.	72 ksf	34 ksf	-38 ksf
Hospital	78 beds	0	-78 beds
Support Office	0	0	0
Med. Off./Show	108 ksf	0	-108 ksf
Golf Course	1	1	0
General Office	--	+176,664 sf	+176,664 sf

158 luf/lus	158 luf/lus	80 PCF lus	120 Hotel rooms	38,000 Med Off	78 Hospital beds	108,000 Med Off/Show
158 lus x 27.43 sf/lus	80 lus x 27.43 sf/bed =	120 rooms x 140.18 sf/rm	38,000 ksf x 1,721.80 sf/k	78 H beds x 353.19 sf/bed	108,000 ksf x 558.70 sf/k	

1 Calculations based on whole numbers (i.e., fractional units excluded). Five Hospital beds not exchanged due to utility limitations.
2 Exchange factors based on development totals from Revised Table 31.8 and external project peak hour peak direction traffic obtained from Table 31.10 of Fourth Response to Comments document, copies appended.

TABLE 4
ALTERNATIVE PHASE I UTILITY/EMPLOYMENT ANALYSIS

University Commons

Land Use	Alternative Phase I	Waste Water		Water		Solid Waste		Employment ⁴
		Rate ¹	Amount (mgd)	Rate ²	Amount (mgd)	Rate ³	Amount (lbs)	
Villas	0	150 gpd/du	0	150 gpd/du	0	10 lbs/du	0	0
IL	484 lus	150 gpd/lu	.0726	150 gpd/lu	.0726	8 lbs/lu	3,872	242
PC	160 lus	150 gpd/lu	.0240	150 gpd/lu	.0240	8 lbs/lu	1,280	107
SN	120 beds	250 gpd/bed	.0300	300 gpd/lu	.0360	18 lbd/bed	2,160	84
Hotel	240 rooms	150 gpd/rm	.0360	250 gpd/rm	.0600	3 lbs/rm	720	216
Commercial	55,000 sf	0.16 gpd/sf	.0088	0.18 gpd/sf	.0099	4 lbs/100 sf	2200	641
Med. Off.	86,000 sf	0.14 gpd/sf	.0120	0.18 gpd/sf	.0155	1.5 lbs/100 sf	1290	293
Out Patient	24,000 sf	0.21 gpd/sf	.0050	0.26 gpd/sf	.0062	1.5 lbs/100 sf	360	82
Hospital	0	250 gpd/bed	0	300 gpd/bed	0	18 lbs/bed	0	0
Support Office	45,000 sf	0.14 gpd/sf	.0063	0.18 gpd/sf	.0081	1.5 lbs/100 sf	675	154
Med. Off/Show	0	0.07 gpd/sf	0	0.09 gpd/sf	0	2.0 lbs/100 sf	0	0
Golf Course	1	1	.0230	1	0.0190	1	1,130	6
General Office	27,140 sf	0.14 gpd/sf	.0038	0.18 gpd/sf	.0049	1.5 lbs/100 sf	407	93
TOTAL Phase I			.2215		.2562		14,094	1,912
ADA Phase I			.2320		.2620		17,413	2,214
Percent of ADA Phase I			95.5%		97.8%		80.9%	86.4%

¹Rates obtained from Revised Table 21.1, copy appended.

²Rates obtained from Revised Table 23.1, copy appended.

³Rates obtained from Revised Table 24.1, copy appended.

⁴Employment obtained from Revised Table 20.4, copy appended.

APPENDIX

REVISED
TABLE 21.1
AVERAGE DAILY FLOW OF WASTEWATER
(MILLION GALLONS PER DAY/MGD)
University Commons

<u>Land Use</u>	<u>Generation Rate</u> (gallons per day)	<u>Existing</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Total</u>
Retirement Housing	150 gpd/unit	----	.015	----	.015
Independent Living Facility	150 gpd/unit	----	.060	.060	.120
Personal Care Facility	150 gpd/unit	----	.012	.024	.036
Skilled Nursing Facility	250 gpd/bed	----	.030	.030	.060
Activity Center	25 gpd/member 20 gpd/employee ³	----	.023	----	.023
General Office	0.14/sq. ft.	----	.006	----	.006
Commercial	0.16/sq. ft.	----	.009	.002	.011
Hotel	150 gpd/room	----	.018	.018	.036
Hospital	250 gpd/bed	----	.039	.019	.058
Medical Office	0.14/sq. ft.	----	.007	.007	.014
Out-Patient Services	0.21/sq. ft.	----	.006	.006	.012
Medical Related Office Showroom	0.07 ² /sq. ft.	----	.007	.007	.015
Existing Shopping Center	0.16/sq. ft.	.040	----	----	.040
Total ¹		.040	.232	.173	.445

- 1 If the Business Center alternative is pursued in place of the Medical Center, the maximum average daily flow of wastewater for Phase I is estimated to be 0.192 mgd which is 18 percent less than with the Medical Center; and for Phase II, 0.158 mgd which is 9 percent less than with the Medical Center; for a total of 0.390 maximum mgd at buildout which includes 0.040 mgd for the existing shopping center and is 12 percent less than with the Medical Center.
- 2 The office showroom generation rate is weighted based on a ratio of the density of employees per square foot for office and office showroom uses.
- 3 Activity Center generation rate is derived from an estimated 880 members and an estimated maximum of 30 employees. The estimated membership is based on an average of 1 member from 80% of the total number of 1,100 dwelling and living units.

Sources: Geyer, J.C. Linseaver, Wolfe. Commercial Water Research Project The Johns Hopkins University, 1966; Metcalf and Eddy, Inc. Wastewater Engineering, 1972; Manatee County Department of Public Works; Department of Health and Rehabilitative Services.

Revision Date 7/90 *ASL*.

REVISED
TABLE 23.1

AVERAGE DAILY POTABLE WATER DEMAND
(MILLION GALLONS PER DAY/MGD)
University Commons

<u>Land Use</u>	<u>Generation Rate (gallon per day)</u>	<u>Existing</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Total</u>
Retirement Housing	150 gpd/unit	----	0.015	0	0.015
Independent Living Facility	150 gpd/unit	----	0.060	0.060	0.120
Personal Care Facility	150 gpd/unit	----	0.012	0.024	0.036
Skilled Nursing Facility	300 gpd/bed	----	0.036	0.036	0.072
Activity Center	21 gpd/member 17 gpd/employee	----	0.019	0	0.019
General Office	0.18 gpd/s.f.	----	0.008	0	0.008
Commercial/Retail	0.18 gpd/s.f.	----	0.010	0.002	0.012
Hotel	250 gpd/room	----	0.030	0.030	0.060
Hospital	300 gpd/bed	----	0.047	0.023	0.070
Medical Office	0.18 gpd/s.f.	----	0.009	0.009	0.018
Out-Patient Services	0.20 gpd/s.f.	----	0.008	0.006	0.012
Medical Related Office Showroom	0.09 gpd/s.f. ²	----	0.010	0.010	0.020
Existing Shopping Ctr.	0.18 gpd/s.f.	0.045	0	0	0.045
Total ¹		0.045	0.262	0.200	0.507

1 Alternative Business Center

If the Business Center alternative is pursued in place of the Medical Center, the maximum average daily demand (ADD) for Phase I will be 0.199 mgd which is 24 percent less than with the Medical Center; and for Phase II 0.167 mgd which is 17 percent less than with the Medical Center; for a total of 0.411 maximum mgd at buildout which includes 0.046 mgd for the existing shopping center and is 19 percent less than with the Medical Center.

2 The office showroom generation rate is weighted based on a comparison of the density of employees per square foot for office and office showroom uses.

Sources: Geyer, J.C. Linaweaver, Wolfe, Commercial Water Research Project, The Johns Hopkins University, 1966; Manatee County Department of Public Works; Department of Health and Rehabilitative Services

Revision Date 7/90 4th staff.

REVISED
TABLE 24.1

ESTIMATED AVERAGE DAILY SOLID WASTE GENERATION
University Commons

<u>Land Use</u>	<u>Generation Rate</u>	<u>Existing</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Project Total</u>
Retirement Housing	10 lbs./unit	---	1,000 lbs.	---	1,000 lbs.
Independent Living Facility	8 lbs./unit	---	3,200 lbs.	3,200 lbs.	6,400 lbs.
Personal Care Facility	8 lbs./unit	---	640 lbs.	1,280 lbs.	1,920 lbs.
Skilled Nursing Facility	18 lbs./bed	---	2,160 lbs.	2,160 lbs.	4,320 lbs.
Activity Center	1.5 lbs./100 s.f.	---	1,130 lbs.	---	1,130 lbs.
General Office	1.5 lbs./100 s.f.	---	675 lbs.	---	675 lbs.
Commercial	4 lbs./100 s.f.	---	2,200 lbs.	400 lbs.	2,600 lbs.
Hotel	3 lbs./room	---	360 lbs.	360 lbs.	720 lbs.
Hospital	18 lbs./bed	---	2,808 lbs.	1,404 lbs.	4,212 lbs.
Medical Office	1.5 lbs./100 s.f.	---	720 lbs.	720 lbs.	1,440 lbs.
Out-Patient Services	1.5 lbs./100 s.f.	---	360 lbs.	360 lbs.	720 lbs.
Medical Related Office Showroom	2 lbs./100 s.f. ²	---	2,160 lbs.	2,160 lbs.	4,320 lbs.
Existing Shopping Center	4 lbs./100 s.f./day	<u>10,000 lbs.</u>	---	---	<u>10,000 lbs.</u>
TOTAL ¹		10,000 lbs.	17,413 lbs.	12,044 lbs.	39,457 lbs.

1 If the Business Center alternative is pursued in place of the Medical Center, the maximum average daily solid waste generated from Phase I is estimated to be 16,150 lbs., which is 7 percent less than for the Medical Center; and from Phase II, it is estimated to be 13,648 lbs., which is 13 percent greater than for the Medical Center; for an estimated total of 39,798 lbs. maximum at buildout, which includes 10,000 lbs. for the existing shopping center and is one percent greater than the average daily solid waste generated in the Medical Center.

2 The office showroom generation rate is weighted based on a comparison of the density of employees per square foot for office and office showroom uses.

Sources: Incinerator Institute of America, 1968; State of Florida Solid Waste Management and Resource Recovery Technical Assistance Handbook, Department of Environmental Regulation, Oct. 1976; Lipstak, Bela G. Environmental Engineers Handbook, Volume III, 1974.

Revision Date 7/00 4th edit.

REVISED TABLE 20.4

NON-RESIDENTIAL PERMANENT EMPLOYMENT AND PAYROLLS¹
University Commons

<u>SIC Group</u>	<u>Phase I</u>		<u>Phase II</u>		<u>Total</u>	
	<u>Employment</u>	<u>Payroll</u>	<u>Employment</u>	<u>Payroll</u>	<u>Employment</u>	<u>Payroll</u>
Retail (50)	641	6.5	21	0.2	662	6.7
Light Industrial (30-40)	184	3.3	184	3.3	368	6.6
Lodging (70)	108	0.8	108	0.8	216	1.6
Golf Club (70)	6	0.1	4	0.1	10	0.1
Business Services (73)	189	2.3			189	2.3
Medical Services (80)	266	5.6	266	5.6	532	11.2
Hospital (80)	406	8.5	203	4.3	609	12.8
Nursing Home (80)	84	0.8	84	0.8	168	1.6
ILF (80)	240	3.6	240	3.6	480	7.2
TOTALS	2,124	31.5	1,110	18.7	3,234	50.1

¹Employment in total numbers and Payrolls in \$ Millions.

Revised October 1990

REVISED
TABLE 31.8

UNADJUSTED (GROSS) VEHICLE TRIPS¹
University Commons

Land Use <u>Retirement Center</u>	Development Units (Phase I/Phase I and II)	Daily Trips ²	P.M. Peak Hour Trips ²	
			In	Out
Retirement Housing	100 dws/100 dws	330/330	20/20	20/20
Independent Living Facility	400 lws/800 lws	858/1,716	38/76	31/62
Support Commercial	55,000 sf/65,000 sf	6,038/6,616	224/244	233/254
Support Office	45,000 sf/45,000 sf	753/753	16/16	85/85
Hotel	120 rooms/240 rooms	997/2,053	31/80	28/66
Golf Course	60 acres/60 acres	338/338	2/2	21/21
<u>Medical Center</u>				
Hospital	156 beds/234 beds	2,790/3,373	46/76	73/124
Skilled Nursing Facility (a public service)	120 beds/240 beds	304/651	19/39	23/46
Personal Care Facility	80 lws/240 lws	172/615	8/23	6/19
Medical Offices	48,000 sf/96,000 sf	1,563/3,619	46/96	123/266
Out-Patient Services	24,000 sf/48,000 sf	671/1,142	61/122	61/122
Office Showroom (medically related)	108,000 sf/216,000 sf	713/1,232	15/24	106/174
<u>Existing Development</u>				
Shopping Center	250,000 sf	13,139	482	544
PROJECT TOTAL		27,556/34,270	1,006/1,297	1,354/1,792
<u>Alternative Business Centers³</u>				
General Office or Office/Showroom	148,743 sf/305,719 sf 285,966 sf/639,894 sf	1,847/3,171 1,775/3,565	44/80 33/62	230/418 242/452

¹ Trips based on Institute of Transportation Engineers Trip Generation, 1987. Trips calculated based on actual equations when available and appropriate.

² Gross trips provided as Phase I/Phases I and II.

³ Business Center square footages based on maximum square footage of either General Office or Office/Showroom. Under either of these land uses, the external peak hour vehicle trips attracted will not be allowed to exceed those of the Medical Center. The mixture of the Business Center land uses has not been identified at this time. As a result, a matrix for square footage transfer between the two land uses, as limited by external trips, will be established.

Revision Date 7/90/4th staff

REVISED
TABLE 31.9

1994 P.M. PEAK HOUR VEHICLE TRIPS¹
(PHASE I)
University Commons

Land Use	P.M. Peak Hour Gross Trips		Internal		Passerby Captured Trips		Transit		Net External Vehicle Trips	
	In	Out	In	Out	In	Out	In	Out	In	Out
<u>Retirement Center</u>										
Retirement Housing	20	20	9	5	-	-	-	-	11	15
Independent Living Facility	38	31	26	17	-	-	-	-	12	14
Support Commercial	224	233	15	15	98	102	-	-	111	116
Support Office	16	85	2	5	-	-	-	-	14	80
Hotel	31	28	3	3	-	-	6	6	22	19
Golf Course (60 Acres)	2	21	1	11	-	-	-	-	1	10
							Subtotal		171	254
<u>Medical Center</u>										
Hospital	45	73	16	6	-	-	-	-	29	67
Skilled Nursing Facility	19	23	4	5	-	-	-	-	15	18
Personal Care Facility	8	6	4	3	-	-	-	-	4	3
Medical Offices	45	123	9	15	-	-	-	-	36	108
Out-Patient Services	61	61	3	3	-	-	-	-	58	58
Office Showroom (medically related)	15	106	1	5	-	-	-	-	14	101
							Subtotal		156	355
<u>Existing Development</u>										
Shopping Center	482	544	-	-	157	178	-	-	325	366
PROJECT TOTAL	1,006	1,354	93	93	255	280	6	6	652	975
<u>Alternative Business Center²</u>										
General Office or Office/Showroom	44	230	-	-	-	-	-	-	44	230
	33	242	-	-	-	-	-	-	33	242

¹ See appended Transportation Methodology Statement for internalisation details.

² Business Center external vehicle trips based on maximum external vehicle trips of either General Office or Office/Showroom. Under either of these land uses, the external peak hour vehicle trips attracted will not be allowed to exceed those of the Medical Center. The mixture of the Business Center land uses has not been identified at this time. As a result, a matrix for square footage transfer between the two land uses, as limited by external trips, will be established.

Revision Date 7/90/4HSA

REVISED
TABLE 31.10

1999 P.M. PEAK HOUR VEHICLE TRIPS¹
(PHASE II)
University Commons

Land Use	P.M. Peak Hour Gross Trips		Internal		Passerby Captured Trips		Transit		Net External Vehicle Trips		
	In	Out	In	Out	In	Out	In	Out	In	Out	
<u>Retirement Center</u>											
Retirement Housing	20	20	7	5	-	-	-	-	13	15	
Independent Living Facility	76	62	47	32	-	-	-	-	29	30	
Support Commercial	244	254	23	24	107	111	-	-	114	119	
Support Office	16	85	2	8	-	-	-	-	14	77	
Hotel	80	65	8	6	-	-	16	13	56	46	
Golf Course (60 Acres)	2	21	1	11	-	-	-	-	1	10	
Subtotal										227	297
<u>Medical Center</u>											
Hospital	76	124	31	11	-	-	-	-	45	113	
Skilled Nursing Facility	39	46	16	18	-	-	-	-	23	28	
Personal Care Facility	23	19	12	10	-	-	-	-	11	9	
Medical Offices	95	256	16	30	-	-	-	-	79	226	
Out-Patient Services	122	122	6	6	-	-	-	-	116	116	
Office Showroom (medically related)	24	174	1	9	-	-	-	-	23	165	
Subtotal										297	657
<u>Existing Development</u>											
Shopping Center	482	544	-	-	191	215	-	-	291	329	
PROJECT TOTAL	1,299	1,792	170	170	298	326	16	13	815	1,283	
<u>Alternative Business Center²</u>											
General Office	80	418	-	-	-	-	-	-	80	418	
or Office/Showroom	62	452	-	-	-	-	-	-	62	452	

¹ See appended Transportation Methodology Statement for internalization details.

² Business Center external vehicle trips based on maximum external vehicle trips of either General Office or Office/Showroom. Under either of these land uses, the external peak hour vehicle trips attracted will not be allowed to exceed those of the Medical Center. The mixture of the Business Center land uses has not been identified at this time. As a result, a matrix for square footage transfer between the two land uses, as limited by external trips, will be established.

Revision Date 7/90/4th sct.

REVISED
TABLE 31.8
(3/12/92)
UNADJUSTED (GROSS) VEHICLE TRIPS¹
University Commons

<u>Land Use</u>	<u>Development Units (Phase I/Phases I and II)</u>	<u>Daily Trips²</u>	<u>P.M. Peak Hour Trips²</u>	
			<u>In</u>	<u>Out</u>
<u>Retirement Center</u>				
Retirement-Housing	100 beds/100 beds	890/330	30/20	40/20
Independent Living Facility	4 S4 400 lus/800 lus 726	859/1,716	46 38/76	33 31/62
Support Commercial	55,000 sf/65,000 sf	5,039/5,010	224/244	233/254
Support Office	45,000 sf/45,000 sf	753/753	16/16	86/86
Hotel	240 120 rooms/240 rooms	907/9,053	80 31/80	65 38/65
Golf Course	118.4 11 S, 4 40 acres/80 acres	886/338	2/2	21/21
<u>Medical Center</u>				
Hospital	156 beds/134 beds	3,790/3,375	46/70	79/124
Skilled Nursing Facility (a public service)	120 beds/240 beds	304/551	19/39	23/46
Personal Care Facility	160 80 lus/240 lus	173/616	15 3/23	13 8/19
Medical Offices	36,000 48,000 sf/96,000 sf	1,553/0,519	35 45/95	22 8 123/256
Out-Patient Services	24,000 sf/48,000 sf	571/1,142	61/122	61/122
Office Showroom (medically related)	108,000 sf/116,000 sf	718/1,288	15/24	106/174
General Office Existing Development	27,140 sf/203,804 sf		12/53	59/261
Shopping Center	250,000 sf	18,139	482	544
PROJECT TOTAL		37,556/94,970	1,006/1,297	1,054/1,791
			1042 1233	1370 1736
<u>Alternative Business Center³</u>				
General Office	118,745 sf/385,719 sf	1,847/3,777	44/80	280/418
Office/Showroom	183,908 sf/620,804 sf	1,776/5,665	33/63	84/142

¹ Trips based on Institute of Transportation Engineers Trip Generation, 1987. Trips calculated based on actual equations when available and appropriate.

² Gross trips provided as Phase I/Phases I and II.

³ Business Center square footages based on maximum square footage of either General Office or Office/Showroom. Under either of these land uses, the external peak hour vehicle trips attracted will not be allowed to exceed those of the Medical Center. The mixture of the Business Center land uses has not been identified at this time. As a result, a matrix for square footage transfer between the two land uses, as limited by external trips, will be established.

Revision Date 7/90

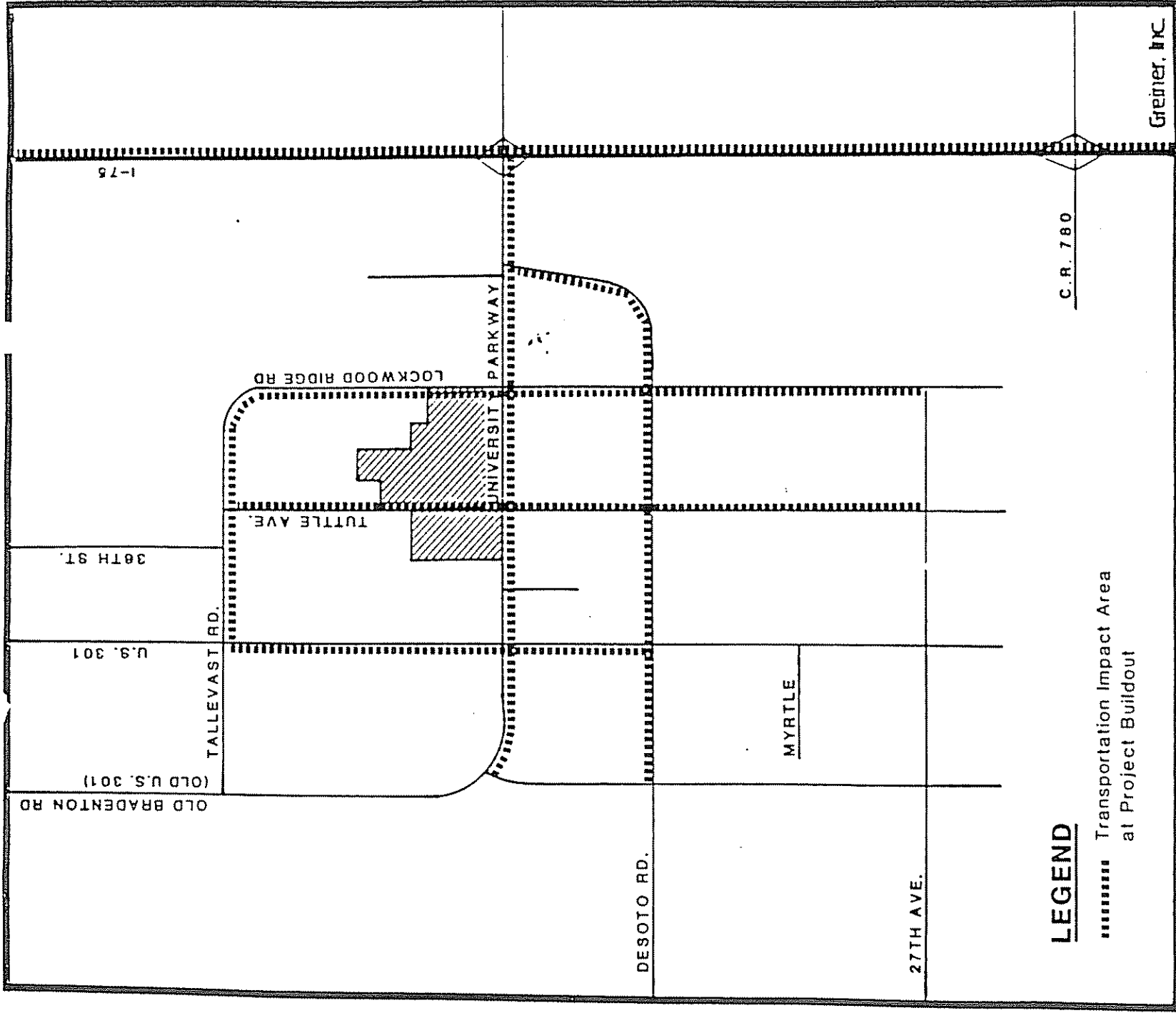
REVISED
TABLE 51.9
(3/12/92)
1994 P.M. PEAK HOUR VEHICLE TRIPS¹
(PHASE I)
University Commons

Land Use	P.M. Peak Hour Gross Trips		Internal		Passerby Captured Trips		Transit		Net External Vehicle Trips	
	In	Out	In	Out	In	Out	In	Out	In	Out
<u>Retirement Center</u>										
Retirement Housing	70	70	9	8	-	-	-	-	44	48
Independent Living Facility	46	38-81	32	36 21 47	-	-	-	-	12	14
Support Commercial	224	233	15	15	98	102	-	-	111	116
Support Office	16	85	2	5	-	-	-	-	14	80
Hotel	30	35	3	6-8	-	-	10-8	13-8	22	19
Golf Course (60 Acres)	2	21	1	11	-	-	-	-	<u>1</u>	<u>10</u>
Subtotal									171	254
<u>Medical Center</u>										
Hospital	46	75	10	8	-	-	-	-	49	87
Skilled Nursing Facility	19	23	4	5	-	-	-	-	15	18
Personal Care Facility	15	13	7	6-8	-	-	-	-	4	3
Medical Offices	3545	228155	14	8 27 18	-	-	-	-	36	108
Out-Patient Services	61	61	16	6-8	-	-	-	-	58	58
Office Showroom (Indirectly related) General Office	46	100	4	8	-	-	-	-	14	101
	12	59	3	0	-	-	-	-	9	59
Subtotal									185	305
<u>Existing Development</u>										
Shopping Center	<u>482</u>	<u>544</u>	-	-	<u>157</u>	<u>178</u>	-	-	<u>325</u>	<u>356</u>
PROJECT TOTAL	1042	1370	1354	102 95 132 95	255	280	16-8	13-8 669 662	975	✓
<u>Alternative Business Center²</u>										
General Office	44	350	-	-	-	-	-	-	44	300
Office/Showroom	88	342	-	-	-	-	-	-	88	342

¹ See appended Transportation Methodology Statement for internalization details.

² Business Center external vehicle trips based on maximum external vehicle trips of either General Office or Office/Showroom. Under either of these land uses, the external peak hour vehicle trips attracted will not be allowed to exceed those of the Medical Center. The mixture of the Business Center land uses has not been identified at this time. As a result, a matrix for square footage transfer between the two land uses, as limited by external trips, will be established.

Revision Date 7/90



UNIVERSITY COMMONS

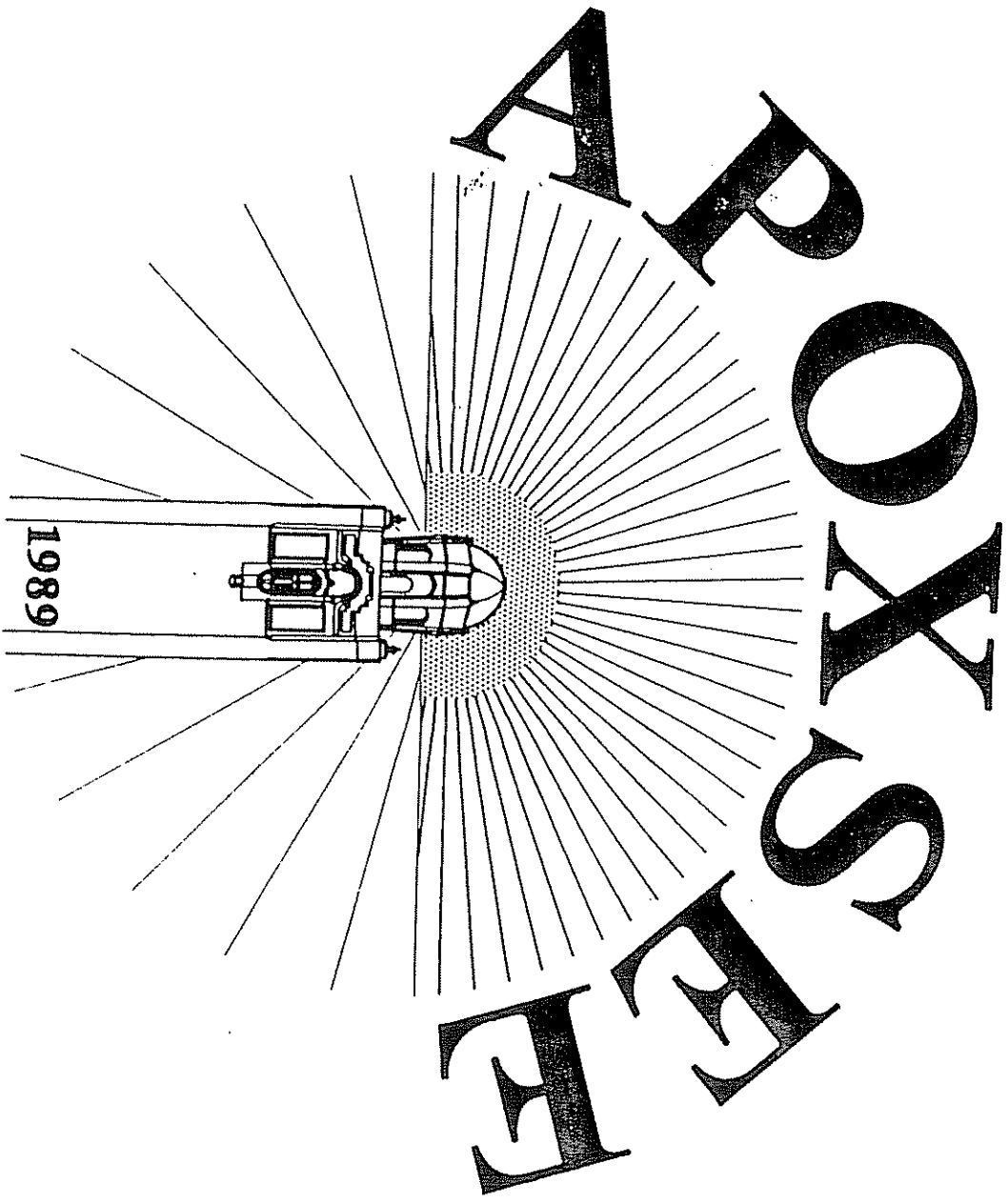
TRANSPORTATION IMPACT AREA

EXHIBIT "B" (Page 1 of 1)

MAP J



N.T.S.

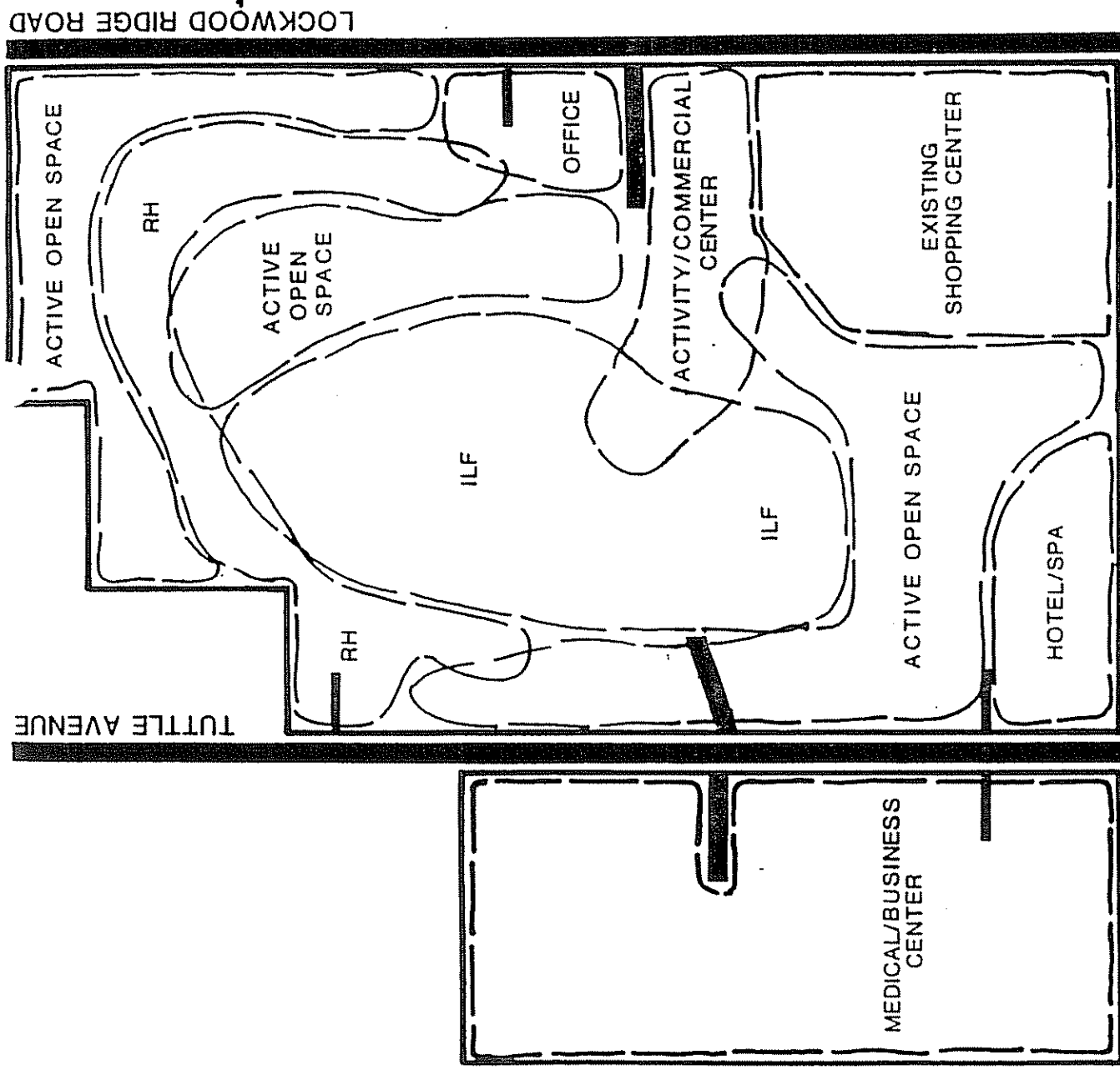


THE REVISED AND UPDATED SARASOTA COUNTY COMPREHENSIVE PLAN

EXHIBIT "C" (Page 1 of 99)

TUTTLE AVENUE

LOCKWOOD RIDGE ROAD



UNIVERSITY PARKWAY

LEGEND

ILF - Independent Living Facility
RH - Retirement Housing

NOTE: This map is intended to be only illustrative / schematic in nature and is not intended to reflect precise land use locations.

Greiner, Inc.

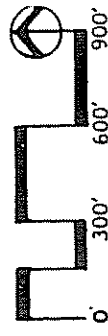
MAP REVISED 6/90 MAP REVISED 5/89
MAP REVISED 7/90 MAP REVISED 11/89

UNIVERSITY COMMONS

REVISED MAP H

MASTER DEVELOPMENT PLAN

EXHIBIT "D" (Page 1 of 1)



FILED FOR RECORD
RECORDED
CLERK OF COURT
OCT 15 10 16 AM '91

ADOPTED: OCTOBER 1, 1991

FILED: OCTOBER 11, 1991

Effective:

ORDINANCE NO. 91-39

OCTOBER 11, 1991

SEWER USE ORDINANCE

AN ORDINANCE OF MANATEE COUNTY COVERING THE USE OF THE COUNTY

WASTEWATER DELIVERY, TREATMENT AND DISPOSAL SYSTEM

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND REPLACING ORDINANCE 88-01, SETTING FORTH THE NECESSITY FOR CONTROL OR THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; PROVIDING FOR USE OF THE PUBLIC WASTEWATER SYSTEM; SETTING FORTH PROHIBITIONS AND LIMITATIONS ON USE OF THE COUNTY SYSTEM; SETTING FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; REGULATING HAULERS OF SEPTAGE; PROVIDING FOR PERMIT FEES AND OTHER CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR SEVERABILITY.

WHEREAS, the County of Manatee, a political subdivision of the State of Florida, is the owner and operator of a County Water and Wastewater System under the "Manatee County Public Works Department," pursuant to the provisions of Chapter 63-1598, Laws of Florida, as amended, the provisions of Chapter 153, Florida Statutes, the provisions of County Ordinance 82-1 (codified as Chapter 2-31, Article III, Sections 51 through 53 of the Code of Laws of Manatee County) and other applicable provisions of law, together with resolutions duly adopted by the Board of County Commissioners of Manatee County, Florida; and

WHEREAS, pursuant to Sections 381.272 and 381.273, Florida Statutes, the State of Florida Department of Health and Rehabilitative Services is responsible for privately owned onsite sewage disposal, including septic system and

WHEREAS, Manatee County has agreed to an EPA and DER grant requirement to enact a sewer use ordinance, the provisions of which must be in accordance with EPA Regulation 40 CFR 35.2103; and

WHEREAS, the Board of County Commissioners gave notice of a public hearing on an ordinance covering the use of the County's wastewater system and duly held said hearing.

In accordance with the foregoing and for the purposes herein stated, NOW THEREFORE, BE IT ORDAINED by the Manatee County Board of County Commissioners, as follows:

SEWER USE ORDINANCE 91-39

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v

ARTICLE I

STATEMENT OF PURPOSE

The purpose of these regulations is:

- 1.01 To require, wherever service has been provided, mandatory connection to the Manatee County Wastewater System of those residences and facilities generating normal sewage and wastewater.
- 1.02 To prohibit, wherever service has been provided, the use of septic systems and packaged treatment systems.
- 1.03 To prohibit the contribution of wastes of a nature which in any way create poisonous, flammable, hazardous, or noxious conditions for treatment plant personnel or the general public.
- 1.04 To prohibit the contribution of wastes which create operational or maintenance problems in the collection system, in the treatment plant and in effluent disposal facilities.
- 1.05 To prohibit the contribution of wastes which require greater treatment expenditures than are required for equal volumes of normal sewage.
- 1.06 To prohibit discharge of substances which cannot be removed by the normal treatment process and which adversely effect sludge(s), making them unfit for reuse
- 1.07 To require pretreatment of certain wastewaters before discharge to the County's System.
- 1.08 To prohibit unauthorized use of the County System.
- 1.09 To set forth enforcement and penalties for violations.

ARTICLE II

DEFINITIONS

Unless the text specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- 2.01 ACT: Means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- 2.02 BOD: (denoting biochemical oxygen demand) - Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- 2.03 BYPASS: The diversion of wastestreams from any portion of an industrial user's treatment facility.
- 2.04 CATEGORICAL STANDARDS: Means the National Categorical Pretreatment Standards.
- 2.05 COOLING WATER: Means the water discharged from any use such as air conditioning, cooling, or refrigeration, or for which heat is the major pollutant.
- 2.06 COUNTY: Means the Board of County Commissioners of Manatee County Florida, and all of the various departments working thereunder.
- 2.07 CUSTOMER: Means any user of the Manatee County Wastewater System.
- 2.08 DIRECT DISCHARGE: Means the discharge of untreated or treated sewage or wastewater directly to the waters of the State of Florida.
- 2.09 DIRECTOR: Means the Director of the Manatee County Public Works Department, or his authorized deputy, agent, or representative.
- 2.10 DISSOLVED SOLIDS OR DISSOLVED MATTERS: Means the solid matter in solution in the wastewater that can be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."
- 2.11 DOMESTIC SEWAGE: Means the sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which is substantially similar in origin and strength to those typically produced in households, including sewage from sanitary conveniences.

- 2.12 ENVIRONMENTAL PROTECTION AGENCY, EPA, OR USEPA: Means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- 2.13 FDER: Means Florida Department of Environmental Regulation.
- 2.14 GARBAGE: Means solid waste from the domestic and commercial preparation, cooking, and disposing of food, and from the handling, storage, and sale of produce.
- 2.15 HOLDING TANK WASTE: Means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.16 HRS: Means the State Department of Health and Rehabilitative Services and its Pollution Control Division.
- 2.17 INDUSTRIAL PROCESS WASTE: Means waste produced by companies manufacturing a product or providing a service such as: aluminum forming, coil coating, copper forming, electroplating, inorganic chemicals, iron manufacturing, metal finishing, nonferrous metals, organic chemicals and plastics, petroleum refining, film developing, commercial car washes, clothing laundries and dry cleaners, pharmaceuticals, pulp, paper and paperboard, automobile and transmission repair and service, anodizing, chemical etching and milling, printed circuit board, alkaline cleaning, chemical matching, photographic (secondary silver), funeral homes (whole blood from embalming process), and pickling.
- 2.18 INDUSTRIAL USER: Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System from a non-domestic source which is regulated by Manatee County's Sewer Use Ordinance.
- 2.19 INTERFERENCE: Means the inhibition or disruption of the treatment processes or operation which contributes to a violation of any requirement of the County's permits. The term includes prevention of sewage sludge use or disposal in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, The Marine Protection, Research, and Sanctuaries Act, the Toxic Substance Control Act, or more stringent State or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

- 2.20 MANATEE COUNTY WASTEWATER SYSTEM OR SYSTEM: Means all facilities and interests in the real and personal property owned, operated, managed or controlled by the County now and in the future and used to provide wastewater service to existing and future customers within the service area of Manatee County.
- 2.21 MAXIMUM CONCENTRATION: Means the maximum permissible amount of a specified pollutant in a defined volume of water or wastewater.
- 2.22 MCPWD: Means the Manatee County Public Works Department.
- 2.23 NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARDS: Means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.
- 2.24 NATURAL OUTLET: Means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 2.25 NEW SOURCE: Means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (a) the construction is a site at which no other source is located; (b) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (c) the production or wastewater generating processes are substantially independent of an existing source at the same site.
- 2.26 NORMAL SEWAGE/NORMAL WASTEWATER: Means the combined bath, laundry, garbage disposal, and sink discharges from residential properties.
- 2.27 NPDES: Means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342)
- 2.28 PASS-THROUGH: Means a discharge which exits Manatee County treatment plants into waters of the State of Florida in quantities or concentrations which causes a violation of any requirements of Manatee County's NPDES permit.

- 2.29 PERSON: Means any individual, partnership, or co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives or agents. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.
- 2.30 pH: is a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the concentration of hydrogen ions in gram equivalents per liter of solution.
- 2.31 POLLUTANT: Means solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, biological materials, radioactive materials, rock, sand, dirt, industrial materials and agricultural waste discharged into water or any other material capable of degrading local normal environmental conditions upon introduction to the environment.
- 2.32 PRETREATMENT: Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the system. The reduction or alteration can be obtained by physical, chemical or biological processes or by other means, except as prohibited by 40 CFR 5403.6(d).
- 2.33 PRIVATE SEWAGE DISPOSAL SYSTEM: Means a collecting, treating, and disposal facility installed, maintained and owned by persons other than the County and not connected to the public system.
- 2.34 PROPERLY SHREDED GARBAGE: Means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- 2.35 SEPTAGE: Means all liquid wastes from any domestic, commercial or industrial source that is carried by any permitted waste hauler, and may be introduced into any Manatee County treatment facility.
- 2.36 SEWAGE OR WASTEWATER: Means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.
- 2.37 SHALL: When used means that it is mandatory but the term "may" when used means that it is permissive.

2.38

SIGNIFICANT INDUSTRIAL USER:

- (a) Means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, and any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater, or any industrial user who contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving wastewater treatment plants, or any industrial user who has a reasonable potential, in the opinion of the Industrial Inspection Manager, to adversely affect the County's treatment process (inhibition, pass-through of pollutants, sludge contamination, or endangerment of Manatee County operators.)

- (b) Upon a finding that an industrial user meeting the criteria as set forth above has no reasonable potential for adversely affecting the County's operation or for violating any pretreatment standard or requirement, Manatee County may at any time, on its own initiative, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

2.39

SIGNIFICANT NONCOMPLIANCE:

- (a) Means chronic violations of Manatee County's discharge limits, defined here as those in which sixty-six percent or more of all of the measure taken during a six-month period exceed the discharge limits for the same pollutant parameter.

- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed discharge limits, or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, Total Suspended Solids, fats, oil and grease and 1.2 for all other pollutants with the exception of pH.)

- (c) Any other violation of a pretreatment effluent limit that Manatee County determines has caused, alone or in combination with other discharges, interference or pass-through (including an endangerment to the health of Manatee County Personnel or the general public.)

- (d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare

or to the environment or has resulted in Manatee County exercising its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

2.40

STANDARD METHODS: Means the current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time to time by the American Public Health Association or the current USEPA publication "Methods for Chemical Analysis of Water and Wastes." Standard Method procedures encompass the regulations specified in 40 CFR 136 which must be used for compliance testing by an industrial user.

2.41

STATE: Means the State of Florida.

2.42

STORM DRAIN/STORM SEWER: Means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

2.43

STORM WATER: Means any flow occurring during or following any form of natural precipitation and resulting therefrom.

2.44

SUSPENDED SOLIDS: Means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.

2.45

TOXIC POLLUTANT: Means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the USEPA under the provisions of Section 307(a) of the Act, or other acts.

2.46

USER: Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System.

2.47

WATERS OF THE STATE: Means any surface or ground-
water located within the boundaries of the State of
Florida or over which the State of Florida exercises
jurisdiction.

ARTICLE III

USE OF THE PUBLIC WASTEWATER SYSTEM

- 3.01 NECESSITY FOR CONTROL: From a public health, safety and cost of service standpoint, regulation of the use of the public wastewater system is required.
- 3.02 SEPTIC TANKS, PRIVIES, CESSPOOLS:
- (a) Where County service is available the use of septic tanks, privies, cesspools, and private wastewater systems is prohibited.
 - (b) The conditions under which septic systems can be used are administered by the State Department of Health and Rehabilitative Services and its Pollution Control Division.
- 3.03 PRIVATE WASTEWATER SYSTEMS: Any private system that is to be turned over to the County for operation must meet Manatee County Public Works Department (MCPWD) specifications which include color coding of all pipe. Prior to construction, designs must be approved by MCPWD. During construction, the installation will be subject to MCPWD inspection to insure compliance.
- 3.04 MANDATORY CONNECTION: It is mandatory that all residences and all generators of normal wastewater, including private wastewater systems, connect to the County system when service is available.
- 3.05 UNLAWFUL CONNECTION OR USE: No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining required approval and paying the appropriate fees and charges.
- 3.06 DISCONTINUED USE OF LATERAL SEWER: Should a structure be destroyed or moved the lateral sewer must be capped by the owner at the owner's expense. Should the owner neglect to do so, capping will be done by the County and costs paid by the owner.
- 3.07 REUSE OF LATERALS: Lateral sewers capped under Section 3.05 above shall not be reused unless they meet current County and MCPWD specifications and reuse is approved by the County.
- 3.08 SEPARATE LATERALS REQUIRED: Except by approval of MCPWD, each building must be served by at least one lateral sewer line.

3.09 UNLAWFUL DISPOSAL: No person shall discharge into any natural outlet within the County, into any storm sewer, or anywhere other than an approved facility waste materials of any nature including but not confined to polluted waters, industrial wastes, septic effluent or overflow, sanitary sewage, hazardous materials, toxic materials, inflammable liquids, solids wastes, pesticides and heavy metals.

3.10 OSHA STANDARDS: All construction activity by MCPWD or by contractors responsible to MCPWD shall be conducted in accordance with safety standards established by the Federal Occupational Safety and Health Agency.

3.11 DIRECTOR RESPONSIBLE: Except as otherwise provided herein, the Director of MCPWD shall administer, implement, and enforce the provisions of this Ordinance.

3.12 RIGHT TO ENTER: Authorized personnel from MCPWD shall have the right to enter the premises of any individual or business that is discharging into the sanitary sewer system for the purpose of sampling and inspection and examining and copying records. Representatives of the State of Florida and EPA shall also have the right to enter the premises of any user who is subject to the requirements of this Ordinance.

ARTICLE IV

PROHIBITIONS AND LIMITATIONS ON

USE OF THE COUNTY SYSTEM

- 4.01 APPLICABILITY: The prohibitions and limitations of this Article apply to all users of the County system, whether or not the user is subject to the national Categorical Pretreatment Standards or any other national, state or local ordinances or requirements.
- 4.02 WATERS: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters to any portion of the system.
- 4.03 SUBSTANCES INTERFERING WITH OPERATIONS: No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the Manatee County Wastewater System or any of its treatment plants. A user shall not contribute the following substances to any public sewer:
- (a) Flammable and explosive materials, including any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the County Wastewater System or to the operation of said system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into said system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes and sulfides, and any other substances which the County, the FDER, the USFPA, or any other local, regional, state, or federal agency having jurisdiction has notified the user is a fire hazard or a hazard to the system. At no time shall an industrial user discharge a wastestream with a closed cup flash point of less than 140°F.

(b) Any solid, semisolid, or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes. Specifically prohibited is the heating of the contents of grease traps and discharge to the County system.

(c) Any sewage or industrial process waste having a pH lower than five (5.0) or higher than ten (10.0), or any substance having any other corrosive or scaling properties capable of causing damage or a hazard to structures, equipment, lifelines, and/or personnel of the Manatee County Wastewater System.

(d) Toxic pollutants or any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any County Treatment Plant or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended and also known as the Clean Water Act, 33 U.S.C. 1251, et seq. The most stringent of national, state, and local toxic discharge limits shall be enforced.

(e) Noxious and malodorous materials, including any noxious or malodorous liquids, gases, or solids, other than normal sewage, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard.

(f) Materials affecting effluent and sludge disposal including any substances which may cause any

effluent or any other sediment product, such as residues, sludges, or scums to be unsuitable for reclamation process. In no case shall a substance discharged cause the County to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause any County treatment facility to violate its NPDES and/or FDER permit or the receiving water quality standards.

(h) Any sewage or wastewater with objectionable color, not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.

(i) Any waters or wastes containing substances, including nonbiodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge, or which violates any contract, ordinance, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

(j) Any concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate

4.04

SUBSTANCES INCREASING COST OF OPERATION:

shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely, in the sole opinion of the Director, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will

give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) High temperature wastewater, including any sewage or wastewater having a temperature in excess of 100 degrees Fahrenheit, which will inhibit biological activity in any treatment plant.
- (b) Unshredded garbage including any garbage that has not been properly shredded to the extent that particles are 1/2" and less in size.
- (c) Substances producing unacceptable odors, including any water or wastes containing phenols or other wastes in such concentrations that, after treatment, will exceed limits which may be established as necessary for reuse of effluent or sludge.
- (d) Any radioactive wastes or isotopes of any description.
- (e) Unacceptable flow rates - slugs including any organic pollutants, heavy metals, or oxygen demand pollutants released at a flow rate and/or pollutant concentrations which a user knows or has reasons to know will cause damage to Manatee County's Sanitary Sewer Collection System or the receiving wastewater treatment plants. In no case shall an intentional slug load be discharged into the County's sewer system. (For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.) In cases of accidental slug releases, notification must be given to MCPWD within 24 hours, and must be followed up with a written report within 5 days of the slug release. This report must explain why the slug release happened and what measures will be taken to prevent such a spill in the future. The notification shall include:
 - (1) The date, time, location and duration of discharge.
 - (2) The type of waste including concentration and volume.
 - (3) Any corrective action taken by the user.

Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this Ordinance or other applicable State or Federal laws.

- (f) Fats, waxes, greases and oils, including any water containing fats, wax, grease, or oils, whether emulsified or not, in excess of 140 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred degrees Fahrenheit, which could cause pass-through or interference.

4.05 NOTIFICATION OF CHANGED DISCHARGE: All industrial users shall promptly notify Manatee County in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

4.06 NOTIFICATION OF DANGEROUS DISCHARGE: All industrial users shall permanently post a notice in a prominent place advising all employees to call 792-8788, Manatee County Public Works, in the event of a dangerous discharge.

4.07 CARCINOGENS: No person or commercial operation shall discharge or cause to be discharged any known carcinogen in an amount specified hazardous to the operation of the treatment facility, its personnel, the collection system, its personnel, or the receiving waters or the discharge waters of the treatment facilities.

4.08 MANATEE COUNTY INDUSTRIAL DISCHARGE LIMITS

Parameter	Limit mg/l	Collection Method
Arsenic - Total	1.65	Composite
Beryllium - Total	0.35	Composite
Cadmium - Total	0.11	Composite
Chromium - Total	2.77	Composite
Copper - Total	3.38	Composite
Cyanide - Total	1.20	Composite
Lead - Total	0.69	Grab
Mercury - Total	0.11	Composite
Nickel - Total	3.98	Composite
Selenium - Total	1.65	Composite
Silver - Total	0.43	Composite
Zinc - Total	2.61	Composite
Total of 12 Metals	9.40	Composite
pH	5.0 - 10.0	Grab
Chloride - Total	550	Composite
Biochemical Oxygen Demand	1200	Composite
Suspended Solids - Total	1200	Composite
Oil and Grease - Total	140	Grab
Toxic Organic - Total	2.13	Grab

4.09 ADMINISTRATIVE SURCHARGES: Notwithstanding any other section of this Ordinance, any industrial user who is found to have exceeded the above discharge limits or limits set forth in permits or orders issued hereunder, shall pay a surcharge in an amount not to exceed one thousand dollars (\$1000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such surcharges shall be added to the user's next scheduled sewer service charge.

4.10 FALSIFICATION OF DATA: Any company, business, or person that knowingly falsifies data, shall be subject to a surcharge of up to one thousand dollars (\$1000.00) and/or termination of service.

4.11 DILUTION PROHIBITED: No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Federal or State requirement, or to achieve compliance with this Ordinance.

ARTICLE V

PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS

5.01

FEDERAL AND STATE PRETREATMENT STANDARDS: Certain industrial users have or will have to comply with Federal and State pretreatment standards, specified quantities, concentrations of pollutants or other conditions of pollutants. All such industrial users shall comply with such National and State standards and shall also comply with the additional or more stringent standards contained in this Ordinance.

5.02

CONFIDENTIAL INFORMATION:

- (a) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of Manatee County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such unless and until a determination is made by Manatee County that such information is not entitled to confidentiality: Effluent data shall be available to the public without restriction.
- (b) When the person furnishing a report satisfies Manatee County that such person has made the demonstration required by the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this Ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State of EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.
- (c) Notwithstanding the provisions of Section 5.02(a) and (b) above, the provisions of Chapter 119, Florida Statutes, may prohibit the County from protecting such information and data.

5.03 COUNTY STANDARDS: Maximum allowable concentrations of certain materials and elements are listed in the tables in Article IV. Dilution of discharge to meet concentration standards is not an acceptable method of meeting standards. Toxic parameters are not allowed in excess of the stated parameters. Article IV also specifies discharges to the County's system which are prohibited. Industrial and other users whose wastewater does not meet County standards must establish pretreatment facilities providing discharges meeting County standards.

5.04 PRETREATMENT CANDIDATES: The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers: bleaching and dyeing bottling, brewing, cotton textile manufacture, processing dairies, dairy products, distilling, fat rendering, film processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacturing of syrups, jams or jellies, plating facilities, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber production salt works slaughterhouses, soap making, sugar refining, tanning, wood scouring or washing, or any person or industry producing industrial process waste, as defined, or any person producing wastes with strong acid or alkaline reactions which will form deposits in, or cause damage to, the sewers or to appurtenances of sewage treatment works. The Director of MCPWD may place additional industries on this list as needed.

5.05 PRETREATMENT FACILITIES: Users that must provide pretreatment facilities must design, construct, maintain, and monitor them at their own expense. Such facilities must provide protection against accidental discharge and such protection must be approved by the County prior to connection to the County system. Included must be an effluent sampling manhole (control manholes) which must be available to the County at all reasonable times for sampling. User monitoring schedule must be approved by the County and monitoring results made available for review by the County.

5.06 ACCIDENTAL DISCHARGES: Accidental discharges of prohibited materials or substances regulated by this Ordinance require, within 24 hours, telephone notification to the Director of MCPWD or his representative, MCPWD, or the representative in charge. Such notification does not relieve the discharger of any liability. Within 5 days following the occurrence the user shall provide the Director of MCPWD with a written report describing the cause of the discharge and measures taken to prevent future occurrences.

5.07 BYPASS:

(a) Bypass not violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user may allow any bypass to occur which does not violate pretreatment standards, but only if it is for essential maintenance to assure efficient operation. These bypasses are subject to:

- (1) Notification of bypass 5 days in advance to the Director of MCPWD.
- (2) Reason for bypass and duration.
- (3) Total flow discharged during bypass.
- (4) Sampling events prior to bypass to ensure compliance during bypass.

(b) Bypass violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user shall orally notify MCPWD of an anticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of a bypass. The written submission shall contain:

- (1) A description of the bypass and its cause.
- (2) The duration of the bypass, including times and dates.
- (3) Notification if the bypass has not been corrected.
- (4) Steps taken to prevent a recurrence of a bypass.

(c) Bypass is prohibited and MCPWD may take enforcement action against an individual user for a bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
- (2) There was not feasible alternative to bypass, such as use of auxiliary treatment facilities or retention of waste.
- (3) Maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance.)

5.08 SPILL PREVENTION PLANS:

- (a) Industrial users shall provide protection from accidental discharge of materials which may interfere with Manatee County's collection system or the receiving wastewater treatment plants by developing a spill-prevention plan. Spill prevention plans shall be approved by MCPWD prior to construction of the facility. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (b) Industrial users that store hazardous substances shall not contribute to Manatee County's Sanitary Sewer Collection System after the effective date of this Ordinance unless a spill prevention plan has been approved by Manatee County.
- (c) MCPWD shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary. If the County decides that a slug control plan is needed, the plan shall contain the following elements:
- (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals and quantities.
 - (3) Procedures for immediately notifying Manatee County of a slug load discharge, including any discharge that would violate a prohibition, with procedures for follow-up written notification within five days.
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, maintenance of materials, control of plant site runoff, worker training, building of containment structures, and/or measures and equipment for emergency response.

5.09 UPSET PROVISIONS:

- (a) Definition. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the following requirements are met:
- (1) An upset occurred and the industrial user can identify the causes.
 - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - (3) The industrial user has submitted the following information to MCPWD within 24 hours of becoming aware of the upset:
 - (i) A description of the discharge and cause of noncompliance.
 - (ii) The period of noncompliance, including exact dates, and times or, if not corrected, the anticipated time the noncompliance is expected to continue
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) User responsibility in case of upset. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This

requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

5.10

MEASUREMENTS, TESTS, ANALYSES: All sampling measurements, tests and analyses of the characteristics and composition of waters and wastes to which reference is made in this Ordinance shall be done in accordance with regulations specified in 40 CFR 136 which must be used for compliance testing by all industrial users. Methods for Chemical Analysis of Water and Wastes, and any applicable regulations as published by the USEPA for sampling which shall be at the control manhole, or sampling site as designated by MCPWD. If such a site is not available it is incumbent upon the user to place in line, a suitable sampling port, which must be approved by MCPWD.

5.11

BASELINE REPORT (for categorical dischargers only)

- (a) Industrial users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to MCPWD in a form prescribed and furnished by MCPWD.
- (b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision within has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, industrial users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging into the Manatee County Wastewater System, shall submit a properly completed Baseline Report.
- (c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge, to MCPWD.
- (d) In support of the Baseline Report, the industrial user shall submit in units and terms specified in the application, the following information:
 - (1) Name and address of the facility, including the name of the operator and owners.
 - (2) List of any environmental control permits held by or for the facility.

- (3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the County's Collection System from the regulated processes.
- (4) Information showing the measured average daily and maximum daily flow in gallons per day, to the County's Collection System from each of the following:
- (i) Regulated process streams, and
 - (ii) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.5(e).
- (5) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:
- (i) Submit the results of sampling and analysis, identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
 - (ii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Manatee County may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
 - (iii) The user shall take a minimum of one representative sample to compile the

data necessary to comply with the requirements of this paragraph.

- (5) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

- (7) If additional pretreatment of O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

- (1) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula (40 CFR 403.6(e), or net/gross calculations (40 CFR 403.15) at the time the industrial user submit a Baseline Report, the information required in Section 4.1(d)(6) and (7) shall pertain to the modified limits. If the National Categorical Pretreatment Standard for the industrial user is modified after the Baseline Report is submitted, the industrial user shall make any necessary amendments to information provide as a response to Section (d)(6) and (7) and submit them to MCPWD within 60 days after the modified limit is approved.

(11)

(8) The following conditions shall apply to any schedule submitted in response to Section 5.11(d)(7):

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction.)
- (ii) No increment referred to in Section 5.11(8)(i) shall exceed nine months.
- (iii) Not later than 14 days following each date in the schedule and final date for compliance, the user shall submit a progress report to MCPWD including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to MCPWD.

(9) Such other information as may be reasonably requested by MCPWD.

5.12 COMPLIANCE DATE REPORT: Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into Manatee County's Collection System, any user subject to Categorical Pretreatment Standards shall submit to MCPWD a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standard and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. Where equivalent mass or concentration limits are established by Manatee County

For a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

5.13 PERIODIC COMPLIANCE REPORTS:

- (a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into Manatee County's Collection System, shall submit to MCPWD during the months of June and December, unless required more frequently in the pretreatment standard or by the Industrial Inspection Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.11(d)(4). At the discretion of the Director of MCPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of MCPWD may alter the months during which the above reports are to be submitted.

- (b) Significant noncategorical industrial users shall submit to the MCPWD at least once every six months (on dates specified by the Director of MCPWD) a description of the nature, concentration, and flow of the pollutants required to be reported by MCPWD.

5.14 SIGNIFICANT INDUSTRIAL USERS:

- (a) Categorical Significant Industrial User Monitoring Requirements: Categorical significant industrial users, as identified by MCPWD, must supply every six months, analytical laboratory reports which reflect the effectiveness of their pretreatment systems. Extra sampling data performed by a categorical significant industrial user, if any, shall also be reported to MCPWD. Categorical significant industrial users shall also report all violations of this Ordinance or their industrial discharge permit within twenty-four hours of such violation -- all parameters reported to be in violation shall be resampled within thirty days of the initial date of violation. All laboratory data reported by a categorical significant industrial user must include quality control and quality assurance information such as relative standard deviations, percent spike recoveries, and duplicate statistics.
- (b) Categorical Significant Industrial User Sampling Procedures: All samples collected by a categorical significant industrial user shall be by composite. In cases when a composite is not possible, four grabs taken at peak flow thirty minutes apart may be substituted. All samples collected shall be at "end of process" and/or prior to combination with another wastewater. Sampling for the pollutant cyanide shall be collected after cyanide treatment and before dilution with other wastestreams.
- (c) Categorical Significant Industrial User Baseline Monitoring Requirements: Baseline monitoring reports, periodic reports, and compliance dates shall be based on sampling and analysis performed in the time period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Sampling and analysis may be performed by Manatee County Public Works in lieu of an industrial user. When Manatee County Public Works collects all the information required for the report, the significant industrial user will not be required to submit the report.

(d)

Signatory Requirements for Baseline Monitoring Reports, Compliance Data Reports, and Periodic Compliance Reports: The reports required by this section must be signed by an authorized representative of the industrial user. An authorized representative may be:

- (1) A principal executive or at least the level of vice president, if the industrial user submitting the reports is a corporation.
- (2) A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- (3) A duly authorized representative of the industrial user if such representative is responsible for the overall operation of the facility from which an industrial discharge originates.

All reports signed by the above named authorized representative of industrial users shall contain the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

(e)

Significant Noncategorical Industrial User Monitoring Requirements: Significant non-categorical industrial users shall submit to MCPWD at least every six months, a description of the nature, concentration, and flow of the pollutants required to be reported.

These reports shall be based on sampling and analysis performed in the period covered by the report. This sampling analysis may be performed by MCPWD in lieu of a noncategorical industrial user. When MCPWD collects all required information, a noncategorical user will not be required to submit a report.

- (f) Inspection and Sampling of Significant Industrial Users. Significant Noncategorical Users, and Nonsignificant Industrial Users: All of the above named industrial users shall be inspected and sampled twice per year by MCPWD. Pursuant to 40 CFR all samples collected shall be by 24-hour composite where feasible. A minimum of four grab samples shall be used for pH, cyanide, oil and grease, and toxic organics. MCPWD may collect four grab samples in certain situations to better document a representative sample of the effluent being discharged.

5.15

PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE:

Manatee County shall annually publish, in the largest local daily newspaper, a list of the significant industrial users identified as being in significant noncompliance with applicable pretreatment requirements or standards at least once during the previous calendar year. The notification shall also summarize any enforcement action taken against the significant industrial user during the same twelve months.

5.16

INDUSTRIAL USER RECORD KEEPING:

- (a) All industrial users shall retain and make available upon request of authorized representatives of MCPWD, the State of Florida, or the EPA all records required to be collected by an industrial user pursuant to this Ordinance.
- (b) All records shall remain available for a period of at least three (3) years after creation of said records.
- (c) This period shall be extended during any litigation concerning compliance with this Ordinance or with permit conditions.

ARTICLE VI

PERMITS REQUIRED

6.01 PERMIT ESTABLISHED: The County hereby establishes an industrial wastewater discharge permit.

The Director may include reasonable and necessary terms, and conditions in the permit. A permit will not be issued until all applicable fees and charges are paid and the provisions of this Ordinance are otherwise met.

6.02 LATERAL SEWER PERMITS: Lateral sewer lines from the sewer main to the property line are installed by and shall be the responsibility of MCPWD. The portion of the lateral from the property line to the structure is under the jurisdiction of the Manatee County Planning and Development Department. Specifications for on site laterals are set forth in the Manatee County Plumbing Code. Off site specifications are set forth in Manatee County Public Works uniform sewer specifications.

6.03 WHERE REQUIRED: All industrial users who discharge in the Manatee County wastewater system must first obtain a permit. Industrial dischargers connected to the system prior to the effective date of this Ordinance have six (6) months to apply for a permit, but such discharger is subject to all other provisions of this Ordinance.

6.04 PERMIT APPLICATION: An application form prescribed by the County must be completed and filed with MCPWD Where appropriate, the applicant shall submit:

- (a) Name, address, telephone number of applicant, location of the industrial facility, and name and address of the owner of the premises from which wastewater is to be discharged.
- (b) A description of the operations and processes utilized by the operations, type and amount of raw materials processed and type of products produced.
- (c) Average daily and peak hourly wastewater flow rates, include daily, monthly and seasonal variations, if any, and estimated time and duration of daily and peak flows.

- (d) An analysis of the wastewater as determined by a qualified laboratory acceptable to MCPWD and in accordance with regulations specified in 40 CFR 136, which must be used for compliance testing by all industrial users.
- (e) Site plans, floor plans, mechanical and plumbing plans with details showing drains, sewers, sewer connections and appurtenances by size, location and elevation.
- (f) Number and type of employees and hours of operation of the plant.
- (g) A baseline monitoring of the discharge to the MCPWD collection system.
- (h) Any other information deemed necessary by the Director to evaluate the application.

If an industry changes its operations to the extent that the quantity or quality of its discharge into the County system is modified, a new permit is required prior to the change.

6.05 PERMIT CONTENTS - ALL PERMITS SHALL CONTAIN PROVISIONS ADDRESSING:

- (a) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this Ordinance, or limits as established by the State of Florida.
- (b) Requirements to pay fees for the industrial process waste to be discharged into Manatee County's Sanitary Sewer Collection System.
- (c) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities.
- (e) Requirements and specifications for monitoring programs, including sampling location, frequency of sampling, number, types and standards for tests and reporting schedules.
- (f) Compliance schedules.
- (g) Requirements for submission of technical reports, discharge reports and certification statements.

- (h) Requirements for collecting and retaining plant records relating to an industrial user discharge
- (i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the pretreatment system.
- (j) Requirements for notification of spills, release of slug loads, and upsets or violations.
- (k) Requirements for installation, operation and maintenance of pollution control equipment.
- (l) Requirements to implement spill and slug control plans.

6.06 (m) Statement of civil and criminal penalties for violation of Federal laws and this Ordinance. The above list of permit contents is not to be considered all-inclusive.

ISSUANCE OF PERMITS: The permit should be issued or denied within 60 calendar days after all required data has been submitted. A permit may contain appropriate restrictions or requirements. Upon denial, an applicant has 30 calendar days in which to modify his application or make whatever processing or other changes necessary. Issuance of a permit does not relieve the discharger from complying with all applicable laws, regulations, and ordinances of local jurisdictions. If pretreatment of a discharge is required to achieve compliance with the limitations in wastewater strength or composition, pretreatment facilities must be in place and approved by the County prior to issuance of a permit.

6.07 DURATION OF PERMITS: Permits shall be issued for a period of three (3) years.

6.08 MODIFICATION OF PERMITS:

- (a) The terms and conditions of any permit may be changed by the County during the life of the permit to accommodate changes in local, state, or federal regulations or in the event that data upon which the permit was issued has changed. Permit holders shall be notified of a change sixty (60) days prior to the effective date of the change.

- (b) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require

compliance with such standard within the time frame prescribed by such standards.

5.09

PERMITS NOT TRANSFERABLE: Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater permit shall not be transferred to a new owner, new user, or different premises unless approved by the Director.

6.10

TYPES OF INDUSTRIAL USERS:

- (a) Type I industrial user is a significant industrial user who uses numerous toxic chemicals in their product production.
- (b) : Type II industrial user is an industry that is not a significant user but has a high process flow and has the possibility to discharge pollutants which cause harm to the receiving sanitary collection system.
- (c) Type III industrial user is an industrial user with a very low process flow and who utilizes very few toxic chemicals in their product production.

ARTICLE VII
FEES AND CHARGES

Treatment rates, fees, and other charges related to usage of the County's wastewater system are established under a Rate Resolution adopted by the Board of County Commissioners. The user charge system shall:

- (a) Provide sufficient revenue to fund all operation, maintenance, replacement, and debt service cost of the system;
- (b) Be based on actual quantities and quantities discharged to the system by user;
- (c) Be based on equitable distribution of operation and maintenance costs to each class of customer or user;
- (d) Be based on experience and itemized budgeted costs approved by the Board of County Commissioners;
- (e) Allow for annual or biennial review; and
- (f) Provide for notification of proposal rate changes pursuant to law.

ARTICLE VIII
ENFORCEMENT AND PENALTIES

- 8.01 RIGHT TO ENTER: Duly authorized employees of the County shall be permitted to enter all properties without prior notice for the purposes of inspection, observation, copying of records, measurement, sampling, and testing. This requirement is hereby made a condition to the issuance of all industrial wastewater discharge permits.
- 8.02 REJECTION OF CERTAIN WASTES: If any sewage, waters or wastes are discharged to the County's system or are proposed to be discharged, which water in the judgment of the Director may have a deleterious effect upon the system, create a hazard to life, constitute a public nuisance, or adversely affect reuse of effluent and sludge the Director may:
- (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge.
 - (c) Require control over quantities and rates of discharges.
 - (d) Assess a surcharge to cover added handling, treatment, and disposal costs.
- 3.03 SUSPENSION OF SERVICE: The Director may suspend water and/or wastewater service and/or a permit in order to stop an actual or threatened discharge which represents an imminent or substantial endangerment to the health and welfare of persons, to the environment or the MCPWD wastewater system and which could cause a treatment facility to be in non-compliance with Federal, State, or local regulations. Any person notified of a suspension of the wastewater service and/or the permit shall immediately stop or eliminate the condition. In the event of a failure of a person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage and/or endangerment to any individuals or treatment plant operation. The County shall reinstate the permit and/or the wastewater service

upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within 5 calendar days of the date of occurrence. In addition to any other penalties, the violator will pay all tapping and reconnection costs if such apply.

8.04

REVOCATION OF PERMIT: In addition to the revocation condition of 8.03, any user who violates any of the following conditions or applicable Federal and State regulations is subject to having his permit revoked for:

- (a) Failure to factually report the wastewater discharge constituents and characteristics.
- (b) Failure to report significant changes in wastewater constituents and characteristics.
- (c) Refusal of reasonable access to the user's premises.
- (d) Obtaining a permit by misrepresentation or failure to fully disclose.
- (e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- (f) Violation of any of the conditions of the permit.

8.05

DISCHARGING WITHOUT PERMITS: Any industry discharging to the County's system without a permit, in addition to all other penalties, will be charged twice the normal permit fee. Normal permit fees are as provided in this Ordinance.

8.06

DISCHARGING TOXIC SUBSTANCES: In addition to any other penalties, the full costs to the County of disposal, treatment and all other related costs related to toxic substances in the wastewater will be charged to the discharger.

8.07

DISCHARGES RESULTING IN CORRECTIVE MAINTENANCE, REPAIR OR REPLACEMENT: In addition to any other penalties, discharges that result in damage to any component of the system, or the clogging of lines, will result in all repair, maintenance, and replacement costs being charged to the offender.

3.08 UNLAWFUL CONNECTION TO OR USE OF THE COUNTY SYSTEM:

Any person discharging into manholes, or any points of entry to the system, or connecting to the system without approval of MCPWD shall in addition to any other penalties provided by law, be subject to a surcharge of \$500.00 for each instance, and shall pay all additional costs resulting from this action, and twice the estimated quantity charge.

3.09 PENALTIES PROVIDED BY STATE STATUTE: Trespass and larceny with relation to the Manatee County Wastewater System is punishable as a first degree misdemeanor, pursuant to Section 812.14, Florida Statutes.

ARTICLE IX
WASTE HAULERS AND SEPTAGE

9.01 WASTE HAULER: Waste Hauler is defined as any person, commercial or industrial enterprise, permitted, licensed, or otherwise allowed to carry or carrying solid waste, sewage, sewage sludge, chemical wastes or biological materials, which may otherwise be defined as "septage." The waste hauler is subject to all parts of this Ordinance and to any and all parts of 40 CFR 403.

9.02 WASTE HAULER PERMIT: A waste hauler must, in addition to any other permit, have a valid, current permit to discharge septage at any treatment facility operated by Manatee County. This permit to discharge septage, shall be issued by the Industrial Compliance Office of MCPWD. Permits may be obtained from the Industrial Compliance Office by completing the necessary application form.

9.03 WASTE HAULER MANIFEST: Any waste hauler discharging into any Manatee County treatment facility shall have a manifest before any discharge will be allowed. This manifest shall include the origin of all septage to be discharged. This means:

- (a) The name and address of the facility from which the waste hauler picked up the septage.
- (b) A description of the septage as to being:
 - (1) Residential
 - (2) Commercial
 - (3) Industrial
 - (4) Otherwise
- (c) Detailed description.
- (d) The date of the pick up.
- (e) The time of the pick up.
- (f) Person(s) responsible from which the septage was taken.

9.04 MANIFEST FORMS: The manifest forms must conform to the example as shown on figure 9.04(A).

F I G U R E 9 . 0 4 (A)

WASTE HAULER MANIFEST FORM

WASTE HAULING
COMPANY NAME _____

WASTE HAULER
PERMIT No. _____

NO.	DATE	NAME OF CUSTOMER	CUSTOMER ADDRESS	TYPE OF WASTE	ESTIMATED GAL. OF WASTE
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

I certify that the information listed here is true, accurate and complete. I am aware of the conditions and requirements of the Waste Hauler Permit. I understand that failure to comply with the Permit may result in immediate suspension of the Permit and/or possible penalties as may be allowed by law.

Driver/Operator Signature: _____

TO BE COMPLETED BY TREATMENT FACILITY REPRESENTATIVE AT THE TIME OF DISCHARGE TO THE TREATMENT FACILITY.

Date: _____ Time: _____ Vehicle Discharge Class: _____

Sample ID # (if collected): _____

Comments: _____

Signature: _____

Title: _____

9.05 SEPTAGE UNLOADING FEE: A septage unloading fee shall be based upon a rate of twenty-eight dollars(\$28.00) per thousand(1000) gallons. The minimum fee shall be twenty-eight dollars(\$28.00).

9.06 CONTAMINATED SEPTAGE: Any Waste Hauler and the person(s) who generated the septage being hauled shall be responsible for any introduction of materials that are over burdened with conventional or toxic parameters as described in Article IV of this Ordinance, or that are otherwise harmful to the treatment facility as described in this Ordinance. This means that the Waste Hauler and the person(s) who generated the septage will be subject to all fines and any other charges as stated within this Ordinance.

9.07 NUMBER OF SEPTAGE LOADS: If the number of Waste Haulers and the amount of septage poses a hydraulic or other threat to the treatment facility, in the opinion of the treatment facility superintendent, all such loads may be rejected and rescheduled for a different time or a different treatment facility.

9.08 SEPTAGE DISCHARGE: Septage may be discharged during normal working hours as designated by the treatment facility superintendent. The superintendent shall reserve the right to deny any and/or all septage discharges for any reason. All trucked and hauled septage waste shall be discharged into Manatee County's Septage Receiving Station located directly west of the Southwest Regional Wastewater Treatment Plant.

9.09 SEPTAGE SAMPLING: Septage may be sampled by the treatment facility personnel prior to, during, or after discharge, to insure compliance with this Ordinance. If there is any reason to suspect the septage as being potentially harmful, the septage will be sampled and analyzed prior to discharge, if possible.

9.10 MODIFICATION, TRANSFERABILITY, REVOCATION, FINES, AND PENALTIES: The Director of MCPWD reserves the right to modify the Waste Hauler's Permit at any time. The modification of said permit will come from the Director, in writing, with at least five (5) days advance notice. At no time is the transferring of a permit to another vehicle, company, person, industry, or enterprise allowed. Any person, company, industry or enterprise found doing so will be subject to fines and/or revocations of the permit as defined in this Ordinance.

- 9.11 COSTS OF ANALYSES: If upon laboratory analysis of the septage from a waste hauler, it is determined that the waste hauler's septage exceeds the limits or considerations of this Ordinance, the waste hauler and/or source will be liable for all costs incurred by the treatment facility and the analytical cost of the septage, and all other charges as stated within this Ordinance.
- 9.12 WASTE HAULER TRUCK PERMIT FEE: Each vehicle engaged in the hauling of wastes to any treatment facility shall be required to bear an identifying permit decal, which shall be issued each year. The cost of this decal per vehicle shall be two hundred dollars (\$200.00). The decals are non-transferable and are valid for one (1) year only. The Industrial Compliance Office shall issue the decals.
- 9.13 VIOLATION OF WASTE HAULER DECAL: Any person, industrial, or commercial operation with an expired decal shall be subject to a surcharge of fifty dollars (\$50.00). Repeat violations will be subject to loss of permits for a period of up to one (1) year, in the discretion of the Director.

ARTICLE X

PERMIT FEES AND OTHER CHARGES

10.01 INSPECTION FEES:

- (a) Inspection fees are to be charged at the rate of twenty-five dollars (\$25.00) per hour with the fee not to exceed one hundred fifty dollars (\$150.00 for the inspection phase of the permitting process;
- (b) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged at the rate of thirty-five dollar (\$35.00) per hour per person per visit until said industry or commercial operation comes into compliance.
- (c) Analytical costs or the costs of performing analyses on a non-compliance operation will be charged at the current analytical rate as charged by the MCPWD laboratory and/or with any charges incurred by the County in conjunction with another outside laboratory performing analyses that are not analyzed by the MCPWD laboratory.
- (d) Any analytical cost not covered or any cost incurred in the analytical field during a non-compliance inspection, will be billed to the violator at the County's cost plus the handling charges incurred by the County.

10.02 INDUSTRIAL DISCHARGE PERMIT FEE:

- (a) Type I.....\$1,800.....3 Year Period
- (b) Type II.....\$900.....3 Year Period
- (c) Type III.....\$250.....3 Year Period

ARTICLE XI
ADMINISTRATIVE ENFORCEMENT REMEDIES

- 11.01 NOTIFICATION OF VIOLATION: Whenever Manatee County finds that any industrial user has violated or is violating any provision of this Ordinance, the Director may serve upon said user written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a written plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves an industrial user of liability for any violations occurring before or after receipt of the notice of violation.
- 11.02 CONSENT ORDERS: The Director of MCPWD is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user responsible for the noncompliance. Such orders will include compliance schedules, surcharges or remedial actions, and signatures of the authorized representative of the user and the Director.
- 11.03 SHOW CAUSE ORDER: The Director may order any industrial user which causes or contributes to a violation of this Ordinance to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served by certified mail at least ten (10) days prior to the hearing.
- 11.04 COMPLIANCE ORDER: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved.
- 11.05 CEASE AND DESIST ORDERS: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the

ARTICLE XI

ADMINISTRATIVE ENFORCEMENT REMEDIES

11.01

NOTIFICATION OF VIOLATION: Whenever Manatee County finds that any industrial user has violated or is violating any provision of this Ordinance, the Director may serve upon said user written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a written plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves an industrial user of liability for any violations occurring before or after receipt of the notice of violation.

11.02

CONSENT ORDERS: The Director of MCPWD is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user responsible for the noncompliance. Such orders will include compliance schedules, surcharges or remedial actions, and signatures of the authorized representative of the user and the Director.

11.03

SHOW CAUSE ORDER: The Director may order any industrial user which causes or contributes to a violation of this Ordinance to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served by certified mail at least ten (10) days prior to the hearing.

11.04

COMPLIANCE ORDER: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved.

11.05

CEASE AND DESIST ORDERS: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the

cease and desist order may be used to suspend or permanently revoke an Industrial Discharge Permit. The cease and desist order may order an industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

11.06

ADMINISTRATIVE SURCHARGES: Notwithstanding any other section of this Ordinance, any industrial user who is found to have violated any provision of this Ordinance, or of permits, or of orders issued hereunder shall be charged an amount not to exceed one thousand dollars (\$1000.00) per day of violation. Such assessments shall be added to the industrial user's next scheduled sewer service charge.

11.07

EMERGENCY SUSPENSION: The Director may suspend an Industrial Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environment. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shall allow the user to recommence its discharge when the endangerment has passed. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the Director.

11.08

ENFORCEMENT - JUDICIAL REMEDIES: If any person discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this Ordinance, or any order or permit issued hereunder, the County, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Manatee County.

11.09

INJUNCTIVE RELIEF: Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, or of any permit, or of orders issued hereunder, the County, through the County Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the industrial user.

11.10

CIVIL PENALTIES: Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be subject to a civil penalty of not more than one thousand dollars (\$1000.00 plus actual damages incurred by Manatee County, per violation, per day, as long as the violation continues. In addition to the above described penalty and damages, Manatee County may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses. The County shall petition the court to impose, assess, and recover such sums. In determining amounts of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor that justice requires.

11.11

CRIMINAL PROSECUTION: Any industrial user who wilfully violates any provision of this Ordinance, or any orders or permits issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars (\$2000.00) and/or imprisonment in the County jail of up to sixty (60) days. Each day of a continuing violation shall be deemed a separate and distinct violation.

11.12

SURCHARGES TO BE ADDED TO UTILITY BILLING: Any surcharges provided for in this Ordinance may, at the discretion of MCPWD, be added to the applicable user's monthly utility billing, if the user is a MCPWD utility or solid waste customer.

11.13

ADMINISTRATIVE HEARINGS: Any administrative surcharges provided for in this Ordinance shall be imposed only after the following hearing procedure has been complied with:

- (a) The Director shall provide the alleged violating user with written notification of the specific violation(s) and the applicable sections(s) of this Ordinance.
- (b) The notification provided in subsection (a) above shall inform the alleged violating user of a date and time for an administrative hearing, which hearing shall occur no earlier than ten (10) days after the violator's receipt of the notification.

- (c) The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.
- (d) The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.
- (e) If the alleged violating user is represented at the hearing by counsel, the MCPWD shall likewise be represented by the Office of the County Attorney
- (f) The Director shall issue written findings as soon after the hearing as is practicable.
- (g) The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCPWD no later than ten (10) days after the violator's receipt of the Director's written findings.

ARTICLE XII

EFFECTIVE DATE; RESCISSION OF ORDINANCE 88-01;

AND SEVERABILITY

12.01

EFFECTIVE DATE: This Ordinance shall take effect immediately upon the receipt of official acknowledgment from the Office of the Secretary of State, State of Florida, that this Ordinance has been filed with said office.

12.02

SUPERSEDING ORDINANCE 88-01: This Ordinance shall supersede and replace Ordinance 88-01 in its entirety.

12.03

SEVERABILITY OF INVALID PROVISIONS: If one or more of the provisions of this Ordinance should be held contrary to any express provision of law, or shall for any reason whatsoever be held null and void, it shall in no way affect the validity of other provisions of this Ordinance.

ORDINANCE NO. 91-39

SEWER USE ORDINANCE

PASSED AND DULY ADOPTED by the Board of County
Commissioners of Manatee County, Florida this 1st
day of October, 1991.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: *Patricia M. Shore*

Chairman

ATTEST: R.B. SHORE

Clerk of the Circuit Court

By: *R.B. Shore*

UNIVERSITY COMMONS
LEGAL DESCRIPTION

TOTAL LEGAL DESCRIPTION
CONTAINS 3 SHEETS - DESCRIBING 6
PARCELS (A THROUGH F)

DUKE AND BENEDICT
SECTION 32-35-18 BOUNDARY

DESCRIPTION: PARCEL A

A TRACT OF LAND IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.E. CORNER OF SAID SECTION 32, RUN N 00°48'04" E, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 173.01 FEET; THENCE N 89°15'10" W, A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE WEST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: N 89°15'10" W, A DISTANCE OF 21.58 FEET; THENCE N 89°36'09" W, A DISTANCE OF 1042.96 FEET; THENCE N 00°34'27" E, A DISTANCE OF 2480.38 FEET TO THE SOUTH LINE OF THE NORTH 25.00 FEET OF THE S.E. 1/4 OF SAID SECTION 32; THENCE S 89°37'00" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1074.38 FEET TO THE AFORESAID WEST RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00°48'04" W, A DISTANCE OF 2480.82 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.
CONTAINING 60.90 ACRES, MORE OR LESS.

DUKE AND BENEDICT
SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL B

A TRACT OF LAND IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF SAID SECTION 33, RUN N 00°48'04" E, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 173.01 FEET; THENCE S 89°15'10" E, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE EAST MAINTAINED RIGHT OF WAY LINE OF TUTTLE AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE N 00°48'04" E, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 2506.06 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00°49'13" E, A DISTANCE OF 1340.13 FEET TO THE N.W. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89°18'06" E, A DISTANCE OF 654.87 FEET TO THE N.E. CORNER OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 00°51'30" W, ALONG THE LINE OF THE SAID N.W. 1/4 OF SAID SECTION 33; THENCE S 00°51'30" W, ALONG THE LINE OF THE SAID N.W. 1/4 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4, A DISTANCE OF 617.27 FEET TO THE INTERSECTION OF AN EXISTING FENCE LINE; THENCE S 80°09'44" E, ALONG SAID FENCE LINE, A DISTANCE OF 636.99 FEET; THENCE S 89°07'22" E, A DISTANCE OF 5.00 FEET TO THE WEST MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: S 00°52'38" W, A DISTANCE OF 262.71 FEET; THENCE S 01°27'01" W, A DISTANCE OF 162.01 FEET; THENCE N 89°15'10" W, A DISTANCE OF 652.60 FEET; THENCE S 50°31'00" W, A DISTANCE OF 538.04 FEET; THENCE S 00°44'50" W, A DISTANCE OF 1017.53 FEET TO THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE N 89°15'10" W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1502.46 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.
CONTAINING 126.41 ACRES, MORE OR LESS.

DUKE & BENEDICT

Parcel C

DESCRIPTION: AS FURNISHED

THE NORTH 215 FEET OF THE SOUTH 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

FROM THE N.E. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID S.W. 1/4, A DISTANCE OF 335.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00° 52' 38" W, ALONG SAID EAST LINE, A DISTANCE OF 218.30 FEET; THENCE N 89° 18' 01" W, A DISTANCE OF 54.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00° 51' 30" E, A DISTANCE OF 218.30 FEET; THENCE S 89° 18' 01" E, A DISTANCE OF 654.29 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE MAINTAINED RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 3.28 ACRES, MORE OR LESS.

DUKE & BENEDICT

Parcel D

DESCRIPTION: AS FURNISHED

FROM THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN NORTH ALONG EAST LINE OF SAID N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4, 115 FEET TO A POINT; THENCE RUN WEST 660 FEET TO A POINT ON THE WEST LINE OF SAID N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTH 62.1 FEET TO A POINT 52.9 FEET NORTH OF THE S.W. CORNER OF SAID N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4; THENCE RUN SOUTHEASTERLY 320.594 FEET TO A POINT ON THE SOUTH LINE OF SAID N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4 WHICH IS 316.2 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE CONTINUE SOUTHEASTERLY 322.414 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF LOCKWOOD RIDGE ROAD WHICH IS 48.13 FEET SOUTH OF THE SOUTH LINE OF SAID N.E. 1/4 OF N.E. 1/4 OF S.W. 1/4; THENCE CONTINUE SOUTHEASTERLY 14" E, A DISTANCE OF 19.98 FEET TO THE EAST LINE OF SAID S.W. 1/4; THENCE N 00° 52' 38" E, A DISTANCE OF 48.13 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

BEGINNING AT THE S.E. CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN N 00° 52' 38" E, ALONG THE EAST LINE OF SAID S.W. 1/4, A DISTANCE OF 116.76 FEET; THENCE N 89° 18' 01" W, A DISTANCE OF 654.22 FEET TO THE WEST LINE OF SAID N.E. 1/4 OF THE N.E. 1/4 OF THE S.W. 1/4; THENCE S 00° 51' 30" W, ALONG SAID WEST LINE, A DISTANCE OF 63.91 FEET; THENCE S 80° 09' 44" E, A DISTANCE OF 636.99 FEET; THENCE S 89° 07' 22" E, A DISTANCE OF 5.00 FEET; THENCE S 89° 52' 14" E, A DISTANCE OF 19.98 FEET TO THE EAST LINE OF SAID S.W. 1/4; THENCE N 00° 52' 38" E, A DISTANCE OF 48.13 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 1.75 ACRES, MORE OR LESS.

DUKE & BENEDICT - SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL E

THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LESS A STRIP OF LAND 42 FEET WIDE OFF THE WEST SIDE OF SAID PARCEL FOR RIGHT OF WAY PURPOSES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE N.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 48' 04" W, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 2680.24 FEET TO THE S.W. CORNER OF THE N.W. 1/4 OF SAID SECTION 33; THENCE S 89° 18' 01" E, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE CONTINUING S 89° 18' 01" E, ALONG THE SOUTH LINE OF THE N.W. 1/4 OF SAID SECTION 33, A DISTANCE OF 612.22 FEET TO THE S.W. CORNER OF THE EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 33; THENCE N 00° 49' 13" E, A DISTANCE OF 670.07 FEET TO THE N.E. CORNER OF THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE N 89° 18' 05" W, A DISTANCE OF 612.44 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TUTTLE AVENUE; THENCE S 00° 48' 04" E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 670.06 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 9.42 ACRES, MORE OR LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

BOUNDARY REMAINING AFTER N/W DEDICATION FOR LOCKWOOD RIDGE ROAD

DESCRIPTION:

FROM THE S.W. CORNER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 89° 15' 10" E, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1532.62 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 173.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610 F.D.O.T. SECTION 15001-2302) FOR THE POINT OF BEGINNING; THENCE CONTINUE N 00° 44' 50" E, A DISTANCE OF 1017.53 FEET; THENCE N 50° 31' 00" E, A DISTANCE OF 538.04 FEET; THENCE S 89° 15' 10" E, A DISTANCE OF 614.22 FEET; THENCE S 00° 52' 38" W, A DISTANCE OF 1548.48 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SEVEN CURVES: 8 37° 47' 43" W, A DISTANCE OF 31.82 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 01° 41' 47" W, AT A DISTANCE OF 5832.58 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 56' 58", A DISTANCE OF 86.65 FEET TO THE P.T. OF SAID CURVE; THENCE N 89° 15' 10" W, A DISTANCE OF 482.50 FEET; THENCE N 00° 44' 50" E, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 310.00 FEET; THENCE S 00° 44' 50" W, A DISTANCE OF 27.00 FEET; THENCE N 89° 15' 10" W, A DISTANCE OF 106.00 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 30.24 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

DESCRIPTION:

THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO: THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

TOGETHER WITH: THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (BY THE UNDERSIGNED)

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 520.00 FEET; THENCE N 89° 18' 06" W, A DISTANCE OF 19.46 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1155.23 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 89° 18' 01" W, ALONG SAID SOUTH LINE, A DISTANCE OF 636.79 FEET; THENCE N 00° 51' 30" E, ALONG THE WEST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.05 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SOUTH LINE, A DISTANCE OF 654.42 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N 00° 50' 21" E, ALONG SAID WEST LINE, A DISTANCE OF 1340.15 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, THENCE CONTINUING N 00° 50' 21" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 335.04 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE S 89° 18' 07" E, ALONG THE NORTH LINE OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1287.78 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00° 37' 11" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 445.05 FEET; THENCE S 00° 46' 49" W, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 410.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 54.50 ACRES, MORE OR LESS.

STATE OF FLORIDA COUNTY OF HAMILTON

I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 82-31 adopted by the
Board of County Commissioners of said County on
the 2nd day of June, 1962, this 15th day
of June, 1962, in Eustachion, Florida.

R. D. Stone

Clerk of Circuit Court

By William S. Kelly D.C.