

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 NOPC for your DRI, the Development Order and Zoning Ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files.

Sincerely,

Robert Schmitt, AICP Planning Division Manager

CC:

Avera Wynn, TBRPC John Meyer, TBRPC

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



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

Records file

John Meyer, DRI Coordinator, TBRPC

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

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MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

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. Péderson, AICP

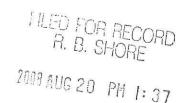
Community Planning Administrator

RHP/br Enlcosure



ORDINANCE 08-57

DRI #19 UNIVERSITY COMMONS



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT OR DER COUNTY 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, 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 |

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

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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.

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 stomwater.
- 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.(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 (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.(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 |
|----------------------|-------------------------|------------------|--------------------|
|----------------------|-------------------------|------------------|--------------------|

| Intersecti Improver Number | | 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. Inte | rsection "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. (Completed) |
| 3. Interse | ection "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 andTuttle 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.

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-ofway within the project site for future mass transit and roadway improvement needs, in

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- 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.(I) 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.(I) 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.(I) 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 require pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC, County, and DCA for review and approval.

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

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- 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

0.(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.(I) 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.(I) 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 prorata 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.

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- R.(I) 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.(I) 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;
 - 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;

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- 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;
- 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;
- 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.

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)

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

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)

Solid Waste

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

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.

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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.

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

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BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Jane von Hahmann

CHARMAN

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

DEDUTY CLED

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. 44 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. ¼ OF THE N.W. ¼ 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 ½ OF THE S.W. ¼ OF THE N.W. ¼; THENCE S 89° 18'06" E, A DISTANCE OF 654.87 FEET TO THE N.E. CORNER OF THE SAID EAST ½ OF THE S.W. ¼ 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 ½ OF THE S.W. ¼ OF THE N.W. ¼; THENCE S 89° 18' 01" E, A DISTANCE OF 654.42 FEET TO THE N.E. CORNER OF THE N.W. ¼ OF THE N.E. ¼ OF THE S.W. ¼ 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 ½ OF THE N.E. ¼ OF THE N.E. ¼ OF THE S.W. ¼ 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. ¼ OF THE N.E. ¼ OF THE S.W. ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALONG THE EAST LINE OF SAID S.W. ¼ 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. ¼ OF THE N.E. ¼ OF THE S.W. ¼ 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.

PARCEL D DESCRIPTION: AS FURNISHED

FROM THE SOUTHEAST CORNER OF THE N.E. ¼ OF THE N.E. ¼ OF THE S.W. ¼ 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. ¼ OF N.E. ¼ 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. ¼ OF N.E. ¼ OF S.W. ¼; THENCE RUN SOUTHEASTERLY 320.594 FEET TO A POINT ON THE SOUTH LINE OF SAID N.E. ¼ OF N.E.1/4 OF S.W. ¼ 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. ¼ OF N.E. ¼ OF S.W. ¼; THENCE CONTINUE SOUTHEASTERLY ON THE SAME LINE TO THE EASTERLY LINE OF THE S.E. ¼ OF N.E. ¼ OF S.W. ¼ 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. ¼ OF THE N.E. ¼ OF THE S.W. ¼ OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN N 00° 52'38' E, ALONG THE EAST LINE OF SAID S.W. ¼, 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. ¼ OF THE N.E. ¼ OF THE S.W. ½; 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. ¼; 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.

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,

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 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO: THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ 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:

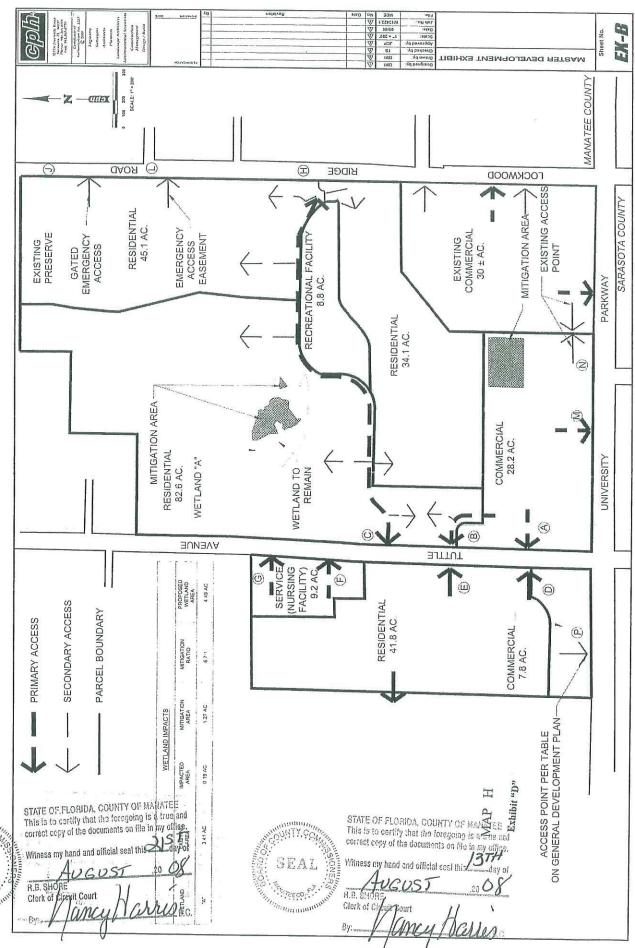
DESCRIPTION: (BY THE UNDERSIGNED)

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

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 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 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 ¼ OF THE NORTHWEST ¼ 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 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.



SEAL





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 - <u>2011</u>) 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.

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

Chairman of the Board of County

Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit C

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 |
| CONTACT PERSON TELEPHONE/EXTENSION | Robert H. Pederson, Community Planning Administrator. Ext. 6833 | PRESENTER/TITLE TELEPHONE/EXTENSION | Robert H. Pederson, Community Planning Administrator. Ext. 6833 |
| ADMINISTRA | TIVE 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 | | APPROVED IN OPEN SESSION | | |
| | REVIEWED Written Comments: | OCT 0 9 2007 | | |

| | | Attached Available from Attorney (Attorney's initials:) | | | |
|--|--|---|--|-----|--|
| | | NOT REVIEWED (No apparent legal issues.) | | | |
| | | NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.) | | | |
| × | 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: | | | |
| | | Please forward a copy of the adopted Resolution to: | | | |
| Resolution No. R- 07-180 | | | 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

PLANNING DEPARTMENT "TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1972

July 9, 2004

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. Péderson, AICP

Community Planning Adminstrator

RHP/ks Enlcosure FILED FOR RECORD R. B. SHORE

ORDINANCE 04-47

2001 JUL -2 PH 4: 19

DRI #19 UNIVERSITY COMMONS

CLOUTE PER DOWN COURT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 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.

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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 | 212.45 |
| 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 |

- Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.
- 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.
- 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.
- 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 of 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:
 - 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.(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 (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 Traffic Development improvement Inter-LOS Prior to Traffic as a Required Number section Improvement % of LOS "D" Improvement Peak Hour Capacity 1. Tallevast Road at F Signalize when MUTCD Tuttle Avenue Warranted*unless constructed by the County pursuant to the CIP (Funded). 2. Intersection "F", Tuttle Avenue at North Project Access N/A Construct 1 left turn lane NB 3. Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west) 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.

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| | South Project Drive N/A | | N/A | Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 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 R at Project Drive | lidge Road 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 Avenu at residential entry (east) | e 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 7.6 8 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.(I) 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.(I) 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.(I) 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 require 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.(I) 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.(I) 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

- Prior to the issuance of any further development permits for construction, the Master G.(1) 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 postdevelopment 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.(I) 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.(I) 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;

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- o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- 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.(I) 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.(I) 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.(I) 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-

 Should Manatee County install the force main, alternate Contractor bids for both 8inch 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.(I) 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.(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

0.(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.(I) 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.(I) 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.(I) 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.(I) 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;
- 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;
- 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;
- 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.

Page 24 - Ordinance 04-47 - University Commons DRI #19

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

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EXHIBITS ATTACHED

EXHIBIT F - Legal Description

EXHIBIT D - Map H

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.00'45'17"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 fact; thence N.50'31'27'E., 538.04 fact; 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 1163.03 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'H., along the Southerly line of said THE TREETOPS AT NORTH 40 - ONTARIO, a distance of 947.69 feet to the Southeast corner of THE TRESTOPS 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 5.00°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 60 - ST. CHARLES, a distance of 327.66 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 CROVE, 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

BX 1649 PG 6324 3 of 5

courses along said East Right-of-Way line: 9.00'48'04"W., a distance of 25.05 feet to the Point of Curvature (P.C.) of a ourve concave to the West. having a radius of 12160.40 feet; thence run Southarly along the arc of said ourve , 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 ourve, through a central angle of 02'03'12", a distance of 633.46 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 5.01'15'49"W., a distance of 517.69 feet to the intersection with the aforesaid North right-of-way line of University Parkway; thence 8.89'14'43'E., along said North Right-of-Way line, a distance of 11.95 feet to the intersection with said West line of the Southwest 1/6; thence continue 9.89'16'43'E., along said North Right-of-Hay line, a distance of 1532.28 feet

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

EAST PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33, JOHNSON 35 S., RANCE 18 E. (SALE BEING THE SOUTHEAST CORNER OF SECTION 32 TOWNSHIP 35 S. RANGE 18 E.); THENCE S 8974'45" E. ALONG THE SOUTH LINE OF SECTION 33 (TURNSHIP LINE), 1532.42 FT.; THENCE N 00745'17" E. A DISTANCE OF 173.00 FT. TO THE INTERSECTION WITH THE HORTH RICHT-OF-WAY LINE OF LEGVERSTY 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 RESTERLY 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'8914'43" E. ALONG THE HORTHERLY 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 31. THENCE IN OUSZ'39" E. ALONG SAID EAST LINE, A DISTANCE OF 1143.03 FT. TO THE HORTHEAST CORNER OF SAID SOUTHWEST 1/4 (SAME BEING THE SOUTHWAST CORNER OF THE MORTHWEST. 1/4 (OF SAID SECTION 33): THENCE CONTINUE IN 00°32'38" E. ALTING THE EAST LINE OF SAID HORTHWEST 1/4 (1675.03 FT.; THENCE IN 89°15'35" W. A DISTANCE OF 60.00 FT. TO THE SOUTHEAST CORNER OF THE TREETOPS AT HORTH 40 — ONTARIO", A LAND CONDOMINUM, AS DESCREED AND RECORDED IN CONDOMINUM BOOK 23, PAGES 38 THROUGH 62, AFORESAID PUBLIC RECORDS; THENCE CONTINUE IN 88°15'35" W. ALONG THE SOUTHERLY LINE OF SOUTHEAST CORNER OF THE "THE TREETOPS AT NORTH 40 — ST. CHARLES", A LAND CONDOMINUM, AS DESCRIBED AND RECORDED IN CONDOMINUM BOOK 24, PAGES 145 THROUGH 148, SAID PUBLIC RECORDS; THENCE CONTINUE IN 89°15'35" W. ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", 302.20 FT.; THENCE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", 302.20 FT.; THENCE CONTINUE IN 89°15'35" W. ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", 302.20 FT.; THENCE CORNER OF "HUNTER'S GROVE". A SHEDWISON AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PAGES 116 THROUGH 119, SAID PUBLIC RECORDS; THENCE CONTINUE IN 89°20'24" W. ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES". A DISTANCE OF 327.64 FT. TO THE SOUTHEAST CORNER OF "HUNTER'S GROVE". A SHEDWISON AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PAGES 116 THROUGH 119, SAID PUBLIC RECORDS; THENCE CONTINUE IN 89°20'24" W. ALONG THE SOUTHERLY LINE OF SAID "HUNTER'S GROVE". A SHEDWISON AS DESCRIBED AND RECORDED IN HORTHER HORTHEAST CORNER OF "OAKBOOD ACRES". A SUBDIMISION AS DESCRIBED AND RECORDED IN HORTHEAST CORNER OF "OAKBOOD ACRES". A SUBDIMISION AS DESCRIBED AND RECORDED IN S 6974'43" E. ALONG THE HORTHERLY LINE OF SAID CERTAIN PARCEL OF LAND AND THE HORTHEAST CORNER OF "OAKBOOD 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", 569.52 FT.; THENCE N 89"16"52" W, ALONG EASTERLY LINE OF SAID "OAKWOOD ACRES", 569.52 FT.; THENCE N 6976'52" W, ALONG THE SOUTHERLY LINE OF SAID "OAKWOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 654.44 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 670.52 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 8977'09" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 31.00 FT. TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 426B, 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 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 03701'41", A DISTANCE OF 642.69 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 0058'37" A DISTANCE OF 205.18 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 0203'12", A DISTANCE OF 433.46 FT. TO THE P.T. OF SAID CURVE: THENCE S 0175'49" W, 682.15 FT.: THENCE S 88'44'11" E. 9.00 FT.: THENCE S 0175'49" W. A DISTANCE OF 517.49 FT. TO THE INTERSECTION A DISTANCE OF 517.49 FT. TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 8974'43" E. ALONG SAID NORTH RICHT-OF-WAY LINE, A DISTANCE OF 11.95 FT. TO THE INTERSECTION WITH SAID WEST LINE OF THE SOUTHWEST 1/4; THENCE CONTINUE S 8974'43" 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. HANATEE COUNTY, FLORIDA SUBJECT TO MANATEE COUNTY MAINTAINED RICHTS-OF-WAY FOR LOCKWOOD RIDGE ROAD

AND TUTTLE AVENUE.

CONTAINING 198.81 ACRES HORE OR LESS, INCLUDING MAINTAINED RICHTS-OF-WAY.

DV 1647 PG 6326 FILED AND RECORDED 9/22/00 3:19:48 PM 5 of 5 R.B. SHORE CLERK OF CIRCUIT COURT WAYATEE COUNTY FL.

TOGETHER WITH:

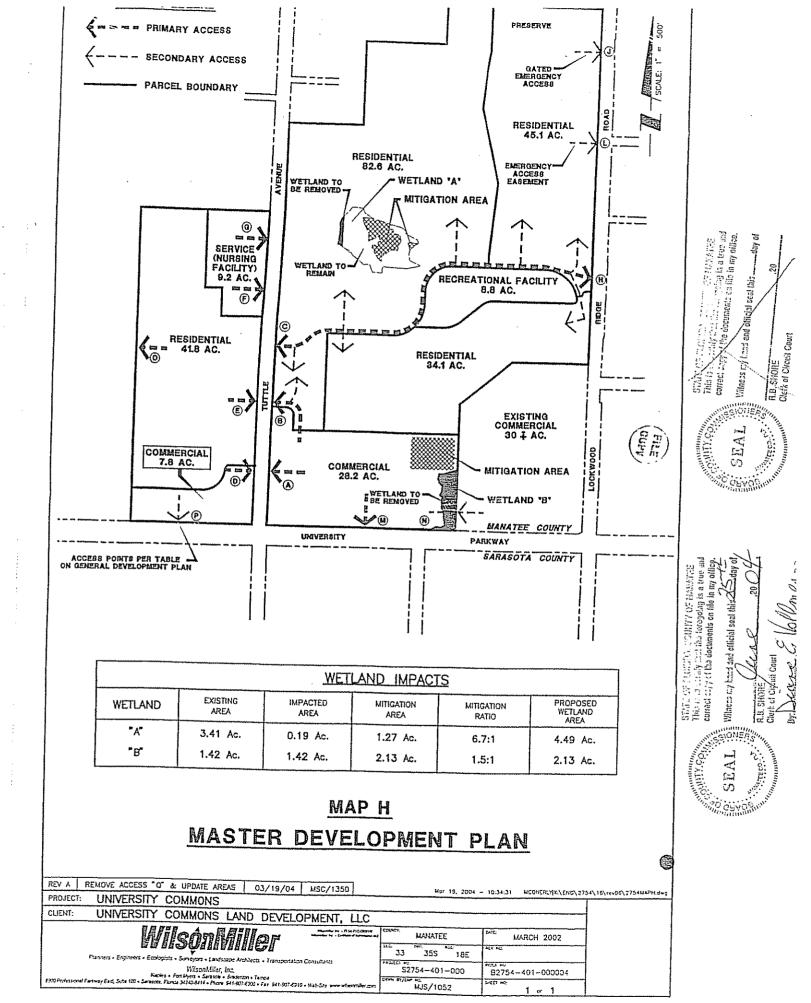
WEST PARCEL:

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, ALCAIG 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 LIMITERSTY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 974, 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 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 137.08 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 MITH THE SOUTH LINE OF BB'38'35" W, ALONG SAID SOUTH LINE, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4, AND 25.0 FT. SOUTHEAST 1/4 OF AFORESAID 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., MANATÉE COUNTY, FLORIDA.

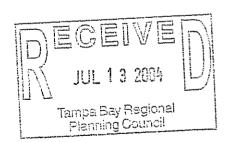
CONTAINING 49.62 ACRES MORE OR LESS.

1 122 11 -

CONTAINING A TOTAL ACREAGE OF 248.43 ACRES HORE OR LESS, INCLUDING HAINTAINED RIGHTS-OF-WAY.



Frish Straight





R.B. SHOPE
Clark of Cifcell Court

By: (Et Access



MANATEL COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1972

July 9, 2004

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 Adminstrator

RHP/ks Enlcosure FILED FOR RECORD R. B. SHORE

ORDINANCE 04-47

711 JUL -2 PH 4: 19

DRI #19 UNIVERSITY COMMONS

CITY OF THE COURT OF THE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS DE 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 | 400³ 5 | 383 ³ | | 783 | 212.45 |
| 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 |

- Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.
- 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.
- 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.
- 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 of 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.(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 (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 Inte | rsection Improvement | ts for Universit | v 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. | | |

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| | South Project Drive N/A | | N/A | Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane RB, 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 R at Project Drive | idge Road 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 | 3 | | |
| | 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-ofway 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 8 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.(I) 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.(I) 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.(I) 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 require 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.(I) 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.(I) 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

- Prior to the issuance of any further development permits for construction, the Master G.(I) 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 postdevelopment 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.(I) 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.(I) 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;
 - 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;

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- 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.(I) 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.(I) 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.(I) 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-

 Should Manatee County install the force main, alternate Contractor bids for both 8inch 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.(I) 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.(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

0.(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.(I) 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.(I) 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.(I) 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.(I) 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:
 - 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

EXHIBITS ATTACHED

EXHIBIT F - Legal Description

EXHIBIT D - Map H

COMMENCE at the Southwest corner of Section 33, Township 38 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 Lina), 1532.42 feet; thence N.00'45'17"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 fact; thence N.50°31'27°E., 538.04 fact; thence ' S.89°14'43°R., 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 1163.03 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 (0 - 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'H., 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 CROVE, a distance of 327.33 feet to the Northeast corner of DAKWOOD 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 fact; thence N.89'16'52'W., along the Southerly line of said OARWOOD 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

BX 1649 PG 6324 3 of 5

courses along said East Right-of-Way line: 5.00'48'04"W., a distance of 25.05 feet to the Point of Curvature (P.C.) of a ourve 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, slong 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 ourve, through a central angle of 02'03'12", a distance of 633.46 feet to the Point of Tangency (P.T.) of said curve; thence S.01'15'49'W., 682.15 fact; thence S.88'44'11'E., 9.00 feet; thence 5.01'15'49"H., a distance of 517.49 feet to the intersection with the aforesaid North right-of-Way line of University Parkway; thence 8.89'14'63'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 5.89'16'43'E., along said North Right-of-Way line, a distance of 1532.28 feet

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

EAST PARCEL:

COLUMNICE AT THE SOUTHWEST CORNER OF SECTION 33, JOHNSON 35 S., RANCE 18 E. COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, IDENCINE 15 S., RANCE 18 E., (SAME SEING THE SOUTHWAST CORNER OF SECTION 12, TOWNSHIP 15 S., RANCE 18 E.); THENCE S 8871447 E. ALONG THE SOUTH LINE OF SECTION 11 (TOWNSHIP LINE), 1532.42 FT.; THENCE N 0074517 E. A DISTANCE OF 171.00 FT. TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF LEWVERSTY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 128, PUBLIC RECORDS OF MANATIES COUNTY, FLORIDA, FOR A POINT OF REGINNING. SAID POINT LYING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1700 PAGE 3774 SAID DIRHUM RECORDS. THEREOF WHILE THE OFFICIAL RECORDS BOOK 1200, PAGE 3224, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG THE RESTERLY 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 8974'43" E. ALONG THE HORTHERLY 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 IN COS2'35' E, ALONG SAID EAST LINE, A DISTANCE OF 1143.03 FT. TO THE MORTHEAST CORNER OF SAID SOUTHWEST 1/4 (SAME BEING THE SOUTHEAST CORNER OF THE MORTHEAST CORNER OF SAID SECTION 33); THENCE CONTINUE IN 00'32'35" E, ALONG THE EAST LINE. OF SAID HORTHWEST 1/4, 1675.03 FT.; THENCE IN 8915'35" W, A DISTANCE OF 80.00 FT. TO THE SOUTHEAST CORNER OF "THE TREETOPS AT HORTH 40 — CONTARIO", A LAND CONDOMINUM, AS DESCRIBED AND RECORDED IN CONDOMINUM BOOK 23, PACES SB THROUGH 62, AFORESAID PUBLIC RECORDS; THENCE CONTINUE IN 8815'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 — CONTARIO", A DISTANCE OF 847.69 FT. TO THE SOUTHEAST CORNER OF THE "THE TREETOPS AT NORTH 40 — ST. CHARLES", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINUM BOOK 24, PACES 145 THROUGH 148, SAID PUBLIC RECORDS; THENCE CONTINUE IN 8915'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", JO22D FT.; THENCE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", JO22D FT.; THENCE CONTINUE IN 8915'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES", JO22D FT.; THENCE CORNER OF "MATTER'S GROVE". A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PACES 116 THROUGH 119, SAID PUBLIC RECORDS: THENCE CONTINUE IN 89'20'24" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT HORTH 40 — ST. CHARLES". A OSTANCE OF 327.64 FT. TO THE SOUTHEAST CORNER OF "MATTER'S GROVE". A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PACES 116 THROUGH 119, SAID PUBLIC RECORDS: THENCE CONTINUE IN 89'20'24" W, ALONG THE SOUTHERLY LINE OF SAID "HINTER'S GROVE". A DISTANCE OF 327.53 FT. TO THE HORTHEAST CORNER OF "OAKBOOD ACRES". A SUBDIVISION AS DESCRIBED AND RECORDED IN BLOOK 110 BOOK 111 GAID DIRECTORDS: THENCE CONTINUE IN 89'20'24" W, ALONG THE HORTHEAST CORNER OF "OAKBOOD ACRES". A SUBDIVISION AS DESCRIBED AND RECORDED IN EASTERLY EXTENSION THEREOF, A DISTANCE OF 674.04 FT. TO THE INTERSECTION WITH THE HORTHEAST CORNER OF "DAKINGOOD ACRES". A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 19, PACE 113, SAID PUBLIC RECORDS; THENCE S 00'48'16" W. ALONG THE EASTERLY LINE OF SAID "OAKWOOD ACRES", 569.52 FT.; THENCE N 8978'52" W. ALONG THE SOUTHERLY LINE OF SAID "OAKHOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, THE SOUTHERLY LINE OF SAID "OAKWOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 654.44 FT. TO THE INTERSECTION WITH THE WEST LINE OF AFORESAID NORTHWEST 1/4 OF SECTION 31; THENCE S 00'48'04" W, ALONG SAID WEST LINE, A DISTANCE OF 670.52 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. HAWING A RADIUS OF 12160.40 FT.: THENCE RUN SOUTHERLY ALONG THE ARC OF SAID 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 842.69 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 0058'37". A DISTANCE OF 206.19 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 02703'12", A DISTANCE OF 433.46 FT. TO THE P.T. OF SAID CURVE; THENCE S 0175'49" W. 682.15 FT.; THENCE S 88'44'11" E. 9.00 FT.; THENCE S 0175'49" W. A DISTANCE OF 517.49 FT. TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 8914'43" E. ALONG SAID NORTH RICHT-OF-WAY LINE A DISTANCE OF 11.95 FT. TO THE INTERSECTION WITH SAID WEST LINE OF THE SOUTHWEST 1/4: THENCE CONTINUE S 8874'43" 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., RANCE 18 E. HANATEE COUNTY, FLORIDA. SUBJECT TO MANATEE COUNTY MAINTAINED RICHTS-OF-WAY FOR LOCKWOOD RIDGE ROAD AND TUTTLE AVENUE.

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

DV 1440 DC 4374 DN 1047 FU 0320 FILED AND RECORDED 9/22/00 3:19:48 PM 5 of 5 R.B. SHORE CLERK OF CIRCUIT COURT NAMATEE COUNTY FL.

TOGETHER WITH:

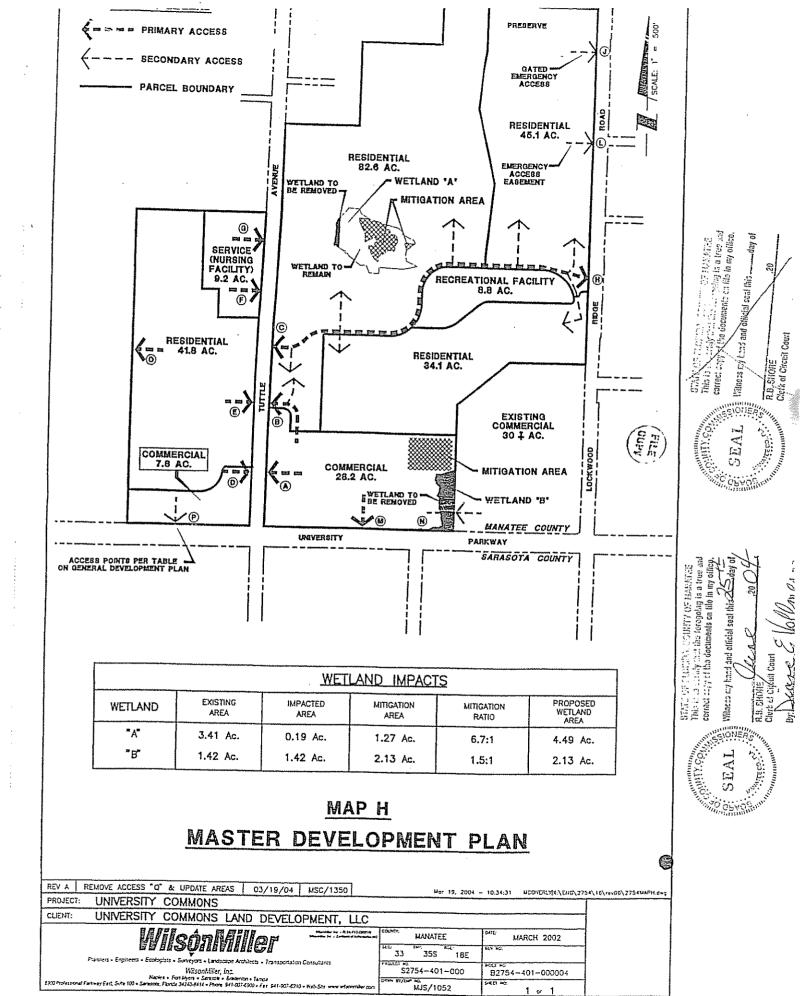
WEST PARCEL:

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 89'35'22" 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 974, 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 0175'49" E. 518.84 FT.; THENCE S 88'44'11" E. 9.00 FT.; THENCE N 0175'49" 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 0271'01", A DISTANCE OF 459.91 FT.; THENCE LEAVING SAID WEST RIGHT-OF-WAY, RUN 137.08 FT.; THENCE N 00'22'48" E. A DISTANCE OF 605.21" 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 OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89'36'22" E, ALONG SAID NORTH RIGHT-OF-WAY

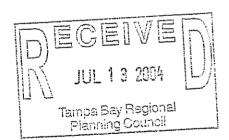
CONTAINING 49.62 ACRES MORE OR LESS.

1 122 11 1

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



hoses see see see





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

SEAL Witness my hand and official seal this day of

20 C+

R.B. SHOPE
Clork of Cilcuit Court
By: (II)



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 Adminstrator

RHP/ks Enlcosure

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, CONDETIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND 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 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

| Column A | Column B | Column C | Column D | Column E | <u>Column l</u> |
|--|-------------------------------------|---|--|----------------|-----------------|
| Land Use | Phase I 1992-(2003) ⁴ | Phase II 1998-(2008) ⁴ | <u>Total Sq.</u> <u>Ft.</u> | Total Units | Acres |
| Residential Units Group Care Facility (Residential) ¹ | 400 ^{3 6} | 510 ³ 85 beds | _ | 910 85 beds | 212.6⁵ |
| 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 leaseabl (475,000 sq. ft. with canopie | | 63.87 |
| OFFICE (Office) | | 10,000 sq. ft*. | 10,000 sq.ft. | all to ap | 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 of 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.
- 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:
 - existing topography;
 - 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.(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.

al lateragation Improvements for University Commens

TABLE 2

| 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 (Fun ded). | |
| 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 | | | | |

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| | 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 Ave South Project Drive | enue at N/A | N/A | Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 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 Rid at Project Drive | dge Road 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 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 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.(I) 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.(I) 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.(I) 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 require 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.(I) 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.(I) 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

- Prior to the issuance of any further development permits for construction, the Master G.(I) 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.(I) 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.(I) 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;
 - 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.(I) 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.(I) 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.(I) 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.(I) 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.(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

0.(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.(I) 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.(I) 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.(I) 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.(I) 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;
- 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

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

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

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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

Sammannan

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.

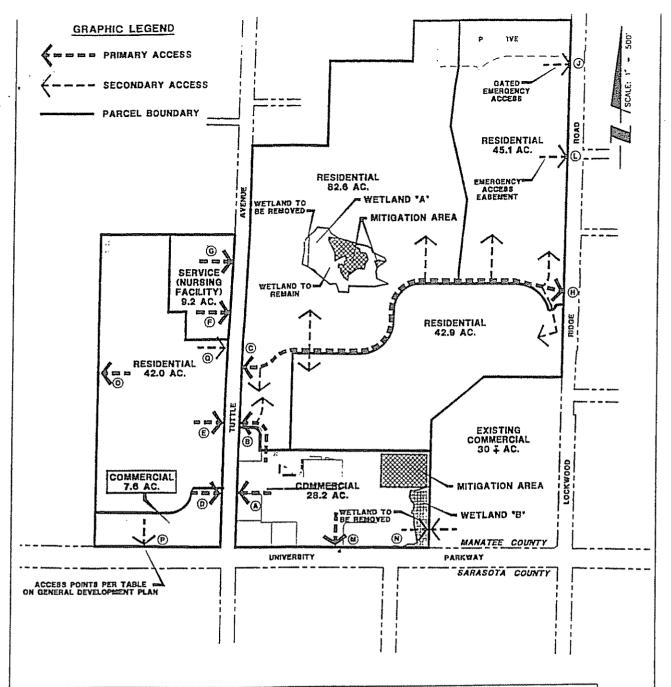
BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

ATTEST; R. B. SHORE

Clerk of the Circuit @

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

A.B. SHORE



| 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 | | | |
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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.

White the same of the



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail Receipt # 7000 0520 0015 6095 8129

January 10, 2001

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 00-52, 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.

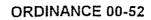
If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP

Community Planning Adminstrator

RHP/ks Enlcosure



JAH 3 6 ES TORP#19 UNIVERSITY COMMONS

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:

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:
 - 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 | 468 lus | | | 468 lus | 203.5 |
| (Residential) ^{1.5} (Consistir | ng of 68 Independent Living | g Units, 150 single-family | units, 150 villa uni | ts, and 100 duple | xes) |
| PC PC | 110 ⁴ lus | | | 110 lus | 2.3 |
| (Residential) | | | | | 0.7 |
| SN | 120 beds | | *** | 120 beds | 9.2 |
| (Service) | | | | | E0.2 |
| COMMERCIAL ² | 250,000 sq. ft. | 150,000 sq. ft. | 400.000 sq.ft. | | 58.2 |
| (Retail) | | Gross leaseable area (182,500 sq. ft. with canopies) | Gross leaseab (432,500 sq. ft. with canopi | | |
| OFFICE | 80,000 sq. ft. | 120,000 | 200,000 sq.ft. | | 14.4 |
| (Office) | | | | | |

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.

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

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.

- 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*.
- 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:
 - existing topography;
 - 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;
 - proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 - 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.
- "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.

- "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.
- "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.
- "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, 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

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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

| Intersection Improvement Number | III (2000) Required In 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 (Fur ded). |
| | | | | and the second s |
| 2 | Intersection "F", Tuttle Avo North Project Access | enue at N/A | N/A | Construct 1 left turn lane NB |
| 3 | Intersection "B"/"E", Tuttle Project Drive (east & wes | | N/A | Construct 1 left-turn land NB, SB, EB, & WB, 1 right tun lane NB, SB & WE Signalize when MUTCI Warranted Should passished through trips created by the opening of Broadwa cause the signal to be Warranted, the Developed shall pay its proportional |

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| | | | | share of the cost of a signal. |
|--------------|---|------------------|-----|---|
| 4 | Intersection "A"/"D", Tuttle Av South Project Drive | renue at 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 WS with no left-turn allowable WB. |
| ÷ | Intersection "H", Lockwood R at Project Drive | idge Road 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 |
| ê | 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. |
| . | Intersection "C", Tuttle Avenuat residential entry (east) | ie 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 impactfees 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.
- 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.(I) 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.(I) 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.(I) 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 require 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.(I) 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.(I) 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.(I) 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.(I) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- 1.(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.(I) 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.(I) 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-resideritial portions of the project.

Wastewater

- L.(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 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 instaliation 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.(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 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* small 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

0.(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.(I) 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.(I) 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 prc-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 prorata 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.(I) 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.(I) 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.
- 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)

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

190 part

Page 28 - Ordinance 00-52 - University Commons DRI #19

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

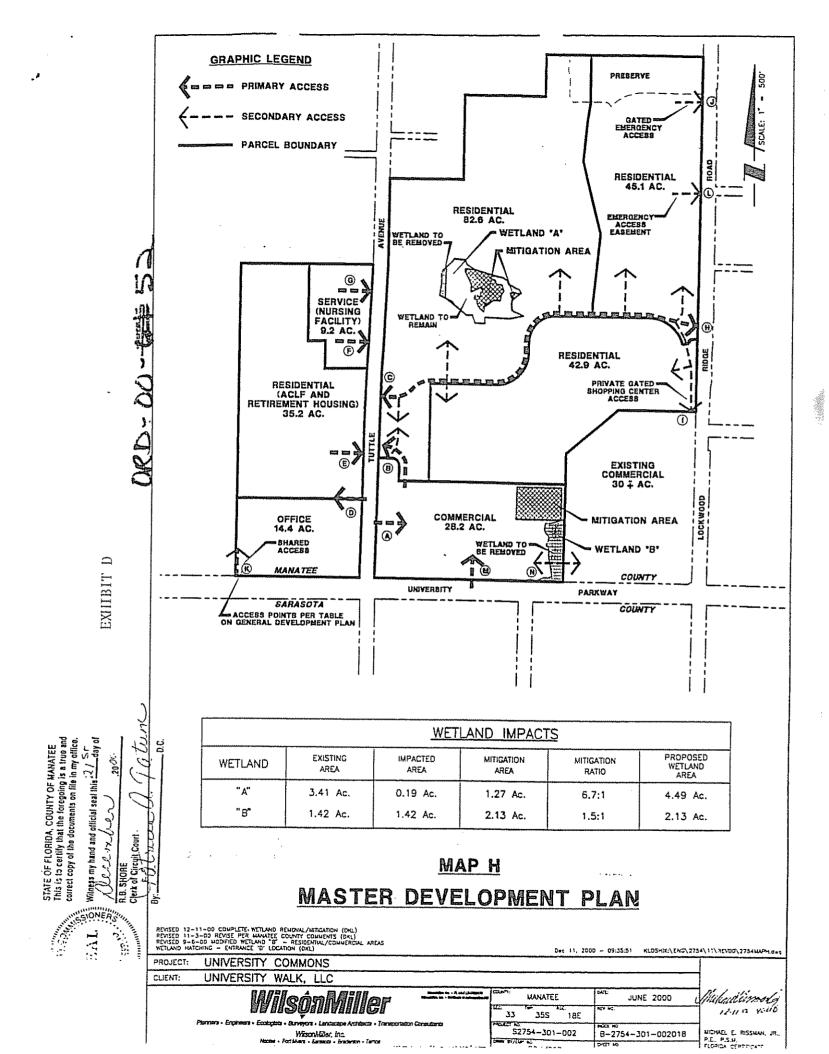
ATTEST: R. B. SHORE Clerk of the Circuit Court

SEAL

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





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.

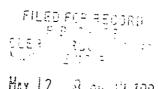
Robert H. Pederson, AICP

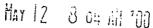
Community Planning Adminstrator

RHP/ks Enlcosure

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 ن

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 Affair, 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,

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.
- 1. 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:
 - 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 | Column B F | Column C | Column D | Column E | Column |
|---------------------------------------|-------------------------------------|--|---|------------------|-----------|
| Land Use | Phase I 1992-(2003) ³ | Phase II 1998-(2008)³ | Total Sq. Ft. | Total Units | Acres |
| IL | 468 lus | Phane | | 468 lus | 203.7 |
| (Residential) ^{1,5} (Consist | ing of 68 Independent Liv | ing Units, 150 single-fam | ily units, 150 villa | units, and 100 c | luplexes) |
| PC | 110 ⁴ lus | | nto Atomics | 110 lus | 2.3 |
| (Residential) | | . . | | | |
| SN | 120 beds | Talang | e de desegne | 120 beds | 9.2 |
| (Service) | | | | | |
| HOTEL | | 130 rooms | - | 130 rooms | 3.0 |
| (Hotel) | | | | | |
| COMMERCIAL ² | 250,000 sq. ft. | 115,000 sq. ft. | 365,000 sq.ft. | 70% | 33.8 |
| (Retail) | | Gross leaseable area (140,000 sq. ft. with canopies) | Gross leaseable area (390.000 s ft. with canopies | q. | |
| OFFICE | 80,000 sq. ft. | 120,000 | 200,000 sq.ft. | | 14.4 |
| (Office) | | | | | |

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 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.(I) 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.(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

| Intersection Improvement Number | 00) Required Intersed Inter- section | Traffic LOS Prior to Improvement | Development Traffic as a % of LOS "D" Peak Hour | Required Improvement |
|---------------------------------------|--|--|--|--|
| 1, | Tallevast Road at Tuttle Avenue | F | Capacity 7.4 | Signalize when MUTCD Warranted on less constructed by the County pursuant to the CIP (Funded). |
| 2. | Intersection "F", Tuttle Av North Project Access | enue at N/A | N/A | Construct 1 left turn lane |
| ·. 3. | Intersection "B"/"E", Tuttle Project Drive (east & wes | | N/A | NB Construct 1 left-turn lane |

NB, SB, EB, & WB, 1 righttun 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 Aver | NIE | | |
| | 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 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 (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.(I) 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.(I) 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.(I) 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 require 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.(I) 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.(I) 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

- Prior to the issuance of any further development permits for construction, the Master G.(I) 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.(I) 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.(I) 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.(I) 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.(I) 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.(I) 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.(I) 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.(I) 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

0.(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.(I) 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.(I) 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 prorata 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.(I) 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.(I) 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;
 - 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

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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

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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

Chairman

ATTEST: R. B. SHORE

Clerk of the Circuit Court

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

SEAL SEAL

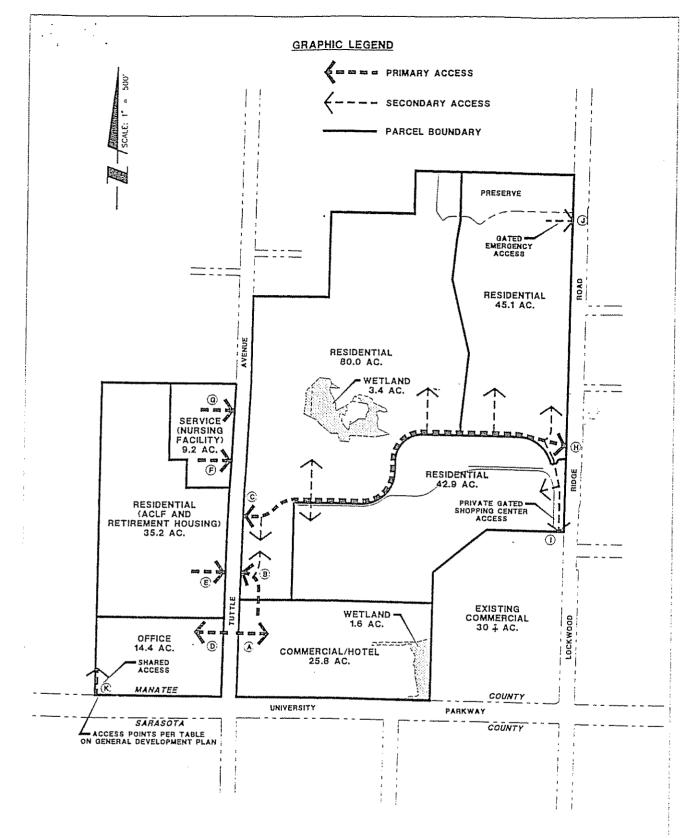
STATE OF FLORIDA. COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

witness my hand and official seal this Zagay

2000

R.B. SHORE / Clerk of Circuit Court

By Ribin Keletty D.C



MAP H MASTER DEVELOPMENT PLAN

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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 SEVULINUSE ORDINANCE 98-28

> BOARD OF COUNTY COMMISSIONERS OF MANAȚEE COUNTY, FLORIDA

By: The las Chairman

ATTEST: R.B. SHORE

Clerk of the Circuit Court

By: None Konn

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R. B. Sizra Clark of Circuit Court By: Size & No. 47 D.3

MANATEE COUNTY SEVALA USE CRDINANCE 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 98-28

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 63-1598. 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:

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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. Fiorida 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 Publiciy 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

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 - gailons 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

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. <u>Act or "the Act".</u> The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- B. <u>Approval Authority</u> 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 SEVALIN 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. <u>Biochemical Oxvden Demand or BOD</u>. 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. <u>Bvoass</u>. The diversion of waste streams from any portion of an industrial user's treatment facility.
- F. <u>Categorical Pretreatment Standard or Categorical Standard.</u> 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. <u>Director</u>. The Director of the Manatee County Public Works Department, or his/her duly appointed and authorized deputies, agents, or representatives.
- I. <u>Environmental Protection Agency or EPA.</u> 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.

- K. <u>Grab Sample</u>. 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. <u>Indirect Discharge or Discharge</u>. 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 Discharde 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

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

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. <u>Pass Through.</u> 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. <u>Person.</u> 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. <u>pH.</u> A measure of the acidity or alkalinity of a solution, expressed in standard units.
- U. <u>Pollutant.</u> 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, coior, BOD, COD, toxicity or odor).
- V. <u>Pretreatment.</u> 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. <u>Pretreatment Requirements</u>. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- X. <u>Pretreatment Standards or Standards.</u> Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- Y. <u>Prohibited Discharge Standards or Prohibited Discharges</u>. Absolute prohibitions against the discharge of certain substances.

- Z. <u>Private Sewage Disposal System</u>. 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. <u>Publicly Owned Treatment Works or POTW</u>. 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. <u>Relative Standard Deviation (rsd)</u>. 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. <u>Septic Tank Waste</u>. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- DD. <u>Sewage.</u> 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),

Florida Administrative Code (F.A.C.), determine that such user should not be considered a significant industrial user.

- FF. <u>Slug Load or Slug.</u> Any discharge at a flow rate or concentration which could cause a violation of the pronibited discharge standards of this Ordinance.
- GG. <u>Standard Industrial Classification (SIC) Code.</u> A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- HH. <u>Storm Water</u>. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- II. <u>Suspended Solids.</u> 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. <u>User or Industrial User.</u> Any person discharging wastewater into Manatee County's Sanitary Sewer Collection System.
- KK. <u>Wastewater</u>. 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 to the Wastewater Treatment Plants of Manatee County.
- LL. <u>Wastewater Treatment Plant or Treatment Plant</u>. That portion of the POTW which is designed to provide treatment of sewage and industrial waste.
- MM. <u>Waters of the State</u>. 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. <u>General Prohibitions</u>. 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.

- B. <u>Specific Prohibitions</u>. 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;

- (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 feaming 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. Fiorida 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), Fiorida 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:

- 0.10 mg/l arsenic
- 9993 mg/l BOD5
- 250 mg/l chloride
- 0.05 mg/l cadmium
- 16.1 mg/l chromium
- 2.10 mg/l copper
- 0 98 mg/l cyanice
- 0.43 mg/l lead
- 0.03 mg/l mercury
- 0.04 mg/l molybdenum
- 0.86 mg/l nickel
- 180 mg/l oil and grease
- 0.12 mg/l seienium
- 4.05 mg/l silver
- 1146 mg/l total suspended solids
- 0.98 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 medifying 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

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.

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

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

- (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 spiil 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 permitee 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, Fiorida 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 permitee 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:

- (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

- (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) <u>Identifying Information.</u> 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) <u>Description of Operations.</u> 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) <u>Flow Measurement.</u> 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.).

(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) <u>Certification.</u> 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) <u>Compliance Schedule.</u> 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) <u>Signature and Certification.</u> 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

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.

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.

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

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.

5.13 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.

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:

- 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 hait 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.

10.2 Consent Orders

The Director may enterinto 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 orovision 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.

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 haiting 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 cunishment 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

<u>13.1 Upset</u>

- 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

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- (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 cates 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.

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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 SEVALA 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 SEV.L., JSE ORDINANCE 98-28

> BOARD OF COUNTY COMMISSIONERS OF MANATÈE COUNTY, FLORIDA

By: They are In Slass Chairman

ATTEST: R.B. SHORE

Clerk of the Circuit Court

By: Charles

STATE OF FEDRICA COUNTY OF COMMUNICATION IN THE LANGUAGE OF ORDINATION OF STATE OF COUNTY COMMUNICATION OF C

the / day of June 19

R. B. Share Clerk of Circuit Court By: Survey Kilo Hr

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 decrease day of R.B. SHORE
Clerk of Circuit Sourt.
By:



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 I

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

Planning Manager

Noim Luppino

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 Affair, 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.
- 1. 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:
 - 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

Subject to the possible exchange of land uses as described elsewhere herein, the Α. 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. 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)³ | Column C Phase II 1998-(2008) ² | Column D Total Sq. Ft. | Column E Total Units | Column F Acres | Column G Land Use Minimum/ |
|--|-------------------------------------|--|------------------------------|--|-------------------|----------------------------------|
| IL (Residential) | 484 lus | 242 lus | _ | 726 lus | 58 | Maximum 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? (Retail) | 305,000 sq. ft. | 10,000 sq. ft. 3 | 115,000 sq.fl. | - | 33.8 | N/A |
| MED. OFFICE (Office) | 86,000 sq. ft. | 10,000 sq. ft. | 96,000 sq.ft. | - Grander - Gran | 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. | · au | 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 |

^{&#}x27;Titles in parentheses refer to land use designations as categorized by the State in Section 380,0651, Florida Statutes.

¹Commercial 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.

- 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;
 - 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;
 - 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:

- This Approval is limited to the Development* and Development* schedule listed in Table 1 A.(I)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)

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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 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 | | Traffic | Development Development | IIIIOIIO | | | |
|--------------|---|--------------|---------------------------------------|--|--|--|--|
| Improvement | Inter- | LOS Prior to | Traffic as a | Required | | | |
| Number | section | Improvement | % of LOS "D" Peak Hour Capacity | 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 | A.V.A | | | | | |
| | at Project Access C | N/A | N/A | Construct 1 left turn laneNB; 1 right turn lane SB' & 1 left turn &1right turn lane EB. Signalize when MUTCD Warranted* | | | |
| • | 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*.
- 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 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 (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.
- 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.(I) 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.(I) 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.(I) 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.(I) 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.(I) 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:

- Prior to the issuance of any further development permits for construction, the Master $G_{\cdot}(I)$ 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:
- describe generally appropriate disposal methods;
- provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
- 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.(I) 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;

- 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;
- 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.(I) 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.(I) 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.(I) 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 unserviced land holdings.

Water:

- M.(I) 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 1 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.(I) 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 1 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

0.(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.(I) 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.(I) 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 prorata 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.

<u>Air</u>

R.(I) 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.(I) 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:
 - 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;

- Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;
- 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;
- 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*;
- 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. <u>Air Quality</u>

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: I) 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

Chairman

ATTEŠTÓR: B. SHORE Glerk 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 day of

Mis/ 19/5

A. B. SHORK) Clerk of Circuit Court

By SUMIKE SKOVILLE OND



MANAT 3E COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

1994 12 January

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED #P 260 314 470 SENT:

Council Planning 33702 Regional Pl r Boulevard Tampa Bay Region 9455 Koger Boule St. Petersburg, Greene Julia

Greene: Dear Ms.

Juneralty 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 January 4, 1994.

is hereby rendered pursuant cive Code. This copy is h Administrative

Thank you 749-3070. (813)call please matter. you have any questions, cyour attention to this for

Sjncerely

Betsy B¢nac Assistant Director

BB/jy Enclosure

Tel. (813) 748-4501 • FAN: (813) 749-3071 1112 Manatee Avenue West • Suite 803 • Bradenton, Florida

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

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EXHIBIT "A"

ORDINANCE 93-54

COUNTY COMMISSIONERS OF ING THE DEVELOPMENT ORDER DEVELOPMENT OF REGIONAL PROVIDING MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPY FOR THE UNIVERSITY COMMONS DEVELOPMENT OF IMPACT, ALSO KNOWN AS TERPC DRI #190; PROVSEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Q. BOARD 理 Ö MANATEE COUNTY, ORDINANCE

seconded adopted Was ordinance Chetlain Commissioner the following motion by Hooper t 0 Commissioner 7 npou

Order"), adopted on June 3, 1992, the Board of County Commissioners y (the "Board of County Commissioners") adopted rder, Ordinance 92-31, (the "Development Order" th conditions, the University Commons Development or and the "University Commons DRI"); Development Order, Ordinance approving, with conditions, the Regional Impact (DRI No. 190) County WHEREAS, Manatee

WHEREAS, on June 16, 1992, Manatee County (the "County") dered the Development Order to the State of Florida Department Community Affairs (the "Department"), the Tampa Bay Regional nning Council ("TBRPC"), and the Owner/Developer of the ("University (the L.P. the Owner, ("TBRPC"), and t DRI, University DRI, Commons Council and Planning Co University Commons"); rendered

WHEREAS, on July 31, 1992, and pursuant to Section 380.07, 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 and uses;

WHEREAS, University Commons and the County dispute the 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 of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region" (the "FRCRPP"); the TBRPC's Final Report and indations concerning the University Commons DRI; the Manatee Comprehensive Plan; and the Manatee County Land Development Recommendations ounty

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 and issues raised a and resolved; addressed

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

governing rauant to empowered pursuant the County Commissioners, as tent having jurisdiction utes, is authorized and and Amendment; The Board of Count local government Florida Statutes, Statutes, Order Development this WHEREAS, the380 consider o£ Chapter body

this 5, all public notice requirements applicable to toorder Amendment have been adhered to and fulfilled; WHEREAS Development

County, hearing and has Commissioners of Manatee County, eld a duly noticed public hearing the Development Order and has lered all testimony, reports, tions submitted by all interested members of the general public. agencies and members Board of County Commander of 1994, held a description of the Descripti considered recommendations January, 19 amendment and evidence and departments, received solicited, receir HEREAS, The 1 4th day of J WHEREAS, parties, COUNTY Ö REGULAR BOARD IN A REG FOLLOWS: THE FLORIDA 1 B ORDAINED COUNTY, JANUARY, H MANATEE H DAY OF BE 4TH DAY THEREFORE, OF. THIS NOW THEN COMMISSIONERS ASSEMBLED

SECTION 1. FINDINGS OF FACT:

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- Development 3, 1992 and O appealed Commons June Was пo University s approved o Was June for the the County on the Department which Order Impact, Development rendered by 31, 1992 by Regional The οŧ 4
- 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 the Appeal Department to voluntarily dismiss Μ
- and considered Order, which 3. of this Commissioners has received and revisions to the Development Or are set forth in Section 3. revisions s are set Order Amendment Board of County said specific relific revisions Development the said specific U
- reports, interested a duly noticed public Order gener the Development the recommendations from all agencies and members Board of County Commissioners held ing on January 4, 1994 regarding idment, and has considered all departments, a on January 4, Amendment, comments, parties, c hearing Ω
- ፳ required policy, h il procedures regulation or r +l (ปี y procedures, and or local government to. adhered statutory rule agency rul been duly [1]

SECTION 2. CONCLUSIONS OF LAW:

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- Order, to in conduct as modified by this Amendment the record pursuant imitations ent as described in the original Development to the conditions, restrictions and limitatic the Development Order, as modified by this Amer authorized to conducted nodn and based duly.H proceedings have been a law and regulations, and sedings, the Developer* proceedings, That these proceapplicable law a these proceeding development as t C 무. subject forth in Д
- Commission, the erested citizens * are adequately oter 380, Florida the this the Development that of t That the review by the County, the Planning Commissi TBRPC and other participating agencies and interested creveals that the impacts of the Development* are adeaddressed pursuant to the requirements of Chapter 380, Statutes, within the terms and conditions of the Deve conditions the extent conditions the and the terms and shall prevail terms and To ADA*. with the the Development Order Amendment, Development Order Amendment and this Amendment inconsistent Order, tr O

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"Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other government entered into pursuant Statutes, local ๗ to Florida subject agreement entity development agre governmental amended 18 Order the Development ο£ 5.A. (1) Subsection read: r.

as it has been reviewed, as If the Developer* obtains to the FLUM, the hospital m referenced in Section 1 shall be implemented or surgery term clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery FOL care, and offers use beyond 24 hours by or pregnancy; use თ თ which: those analysis r quality the located applying for and being granted to the FLUM of the County's hospital limited to the Development* schedule listed in Table 1 in further Order services Phase the hospital required for room, board, personal servic and general nursing care, and off facilities and beds for use beyond 24 hours individuals requiring diagnosis, treatment care for illness, injury, deformi approval is subject the Count designate other land is specifically approved. Phase II conceptually approved subject to fur Section 380.06(6), Florida Statutes, anal and review on affordable housing, air qua and transportation. The Development O shall be amended to grant specific approva phase II. Development of the hosp referenced in Section 3.A.2.c is subject the Developer* applying for and being grant of the Developer. the than Order, the Order is to be care for illness, injury, infirmity, abnormality, disease, or and regularly makes available Development 0 intensive comprehensive Plan which would d land upon which the hospital is t public/Semi-Public (2), or such ot designation which would allow the it is proposed and as it has been part of this DRI. If the Develop the said amendment to the FLUM, exchange mechanism referenced 3.A.2.c of Tahlo board, per care, Development ๙ മ വ this Develorhis Develoris defined more care, required for real ices, and ti obstetrical to purposes of "hospital" i "offers serv pursuant to Section This and



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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. listed ne land the signalization required by Improvement #5. Construction/installation of signalization shall occur when said signalization is geometric Funded* nted*. The Funding* and construction intersection improvement shall be list required shall be condition in any CLOS issued for the by the Developer*, and thinprovements (additional lanes) #2 Improvement Warranted*. T Intersection

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amended .H Order the Development οĘ ω . 5.B.(1)(a) Subsection !

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 Sarasota County Order **Development** Phase concurrency requirements sota Counties for Phaurrency requirements of attached to this Develo concurrency ֖֖֖֖֡֟ ֖֖֖֖֡ Sarasota

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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 any sub-phase ler shall be such Ď, Ų, the Phase Section that County t 0 with the Manatee Cour County concurrer ect at the time of t The Phase II transportation impacts shall subject to review pursuant to Secti 380.06(6), Florida Statutes. Commencement Phase II of the Development* is subject to determination by Manatee County the shall meet when transportation capacity needed to serve II is or will be adequate to meet transportation impact of Phase II when impact occurs. Such determination sha approximation will and any development of Phase II, or any thereof, the Development Order shamended to incorporate such mitigation in accordance transportation i made

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t amended --10 Order Development the οĘ . (3) ហ Subsection read: z

determined is amended ter 380, analysis in effect at that came.

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 subthe prior any 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 and shall of affordable housing DCA's methodology and County methodology order sh reviewed the Developer* will, need Chapter such mitigation Statutes, affordable housing demonstrated that рe County met Should it was the development of Phase I e thereof, the Development ded to incorporate such mit development ply of affor of the Study that time. reassess the supply accordance with the applicable Manatee housing study area Affordable Housing approved by the understanding that commencing Developer* ρχ effect at approved Florida amended phase which The 40

amended ю Н-Order Development \mathfrak{t} of 5.R.(1) Subsection read 0

sub-phase shall be thereof, Development of any sub-phase thereof.

of any sub-phase thereof.

Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), to review pursuant to Section 380.06(6), the time the Development Order is amended for the time the Development order is amended for the time the pevelopment order is amended for the conific approval of Phase II that any air the development In addition, the shall be subject to the determination by the County, prevailing FDER guidelines, that icantly adverse air quality impacts the Development* Section 380.06(6) d it be determined a Order is amended for nase II that any a: be required for the sub-phase mitigati any ដ Order o will be mitigated prior Development* of Phase II, or of any sub-phase thereof. I II of incorporate such or any Phase II, Development uples In them prevalled significantly adverse in the phase II, or any specific approval of quality mitigation wil development of Phase Phase of o£ caused by Phase the Commencement development t C subject thereof, amended using will any

SECTION 5. REAFFIRMATION:

entirety its Amendment reaffirmed Order Amenó r is hereby Development Order this **Development** ζq amended d O The except

SECTION 6. RENDITION:

send the County Secretary Amendment t C tΩ days, r C shall οŧ directed Amendment Amendment the Board ment Order A the (30)department acknowledgement from ter than thirty (3 certified copies of this Development Order A Secretary of State within ten (10) days of the Commissioners approval date of this Development Upon the receipt of an official acknowledgement f hereby Order TBRPC. . [] Inspections Development Court later the and k of the Circuit sies of this Der State within ten 0 I and this the Department, but orrice, D Permitting copies of office copies Clerk State's Planning, certified Developer, The Upon of S

SECTION 7. NOTICE OF RECORDING

of Adoption of this nce with Subsection furnish a copy of the accordance 1 shall fur Notice and d in record Statutes, Amendment shall Florida Developer Order Development O 380.06(15)(f), The

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and Permitting Planning, County's the recorded Notice to 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. Appea1

O.F Commissioners 1994. of County (January, οĘ of Board day the E 3 4th by this ADOPTED Florida t AND DULY County, Manatee PASSED

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

CHAIRMAN

ATTEST: R.

R.B. SHORE, The Clerk of Circuit Court

STATE OF FLORES FORTH OF HILLINGE BOOM OF COMMISSIONS OF STATE BOARD OF COMMISSIONS OF STATE OF COUNTY OF THE THIS PORTH OF THE PORTH OF COUNTY OF COUNTY OF THE PORTH OF THIS PORTH OF THE PORTH OF THE

By Caria Chair

Anr Bradanjon, Florita.

MACFARLANE FERGUSON

ATTORNEYS & COUNSELORS AT LAW

111 MADISON STREET, SUITE 2300 P.O. BOX 1531 (ZIP 33601) TAMPA, FLORIDA 33602 (B13) 273-4200 FAX (B13) 273-4396

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TALLAHASSEE, FLORIDA 32302
1904) 224-1215 FAX 1904) 222-8926

(813) 441-8966 FAX (813) 442-8470 400 CLEVELAND STREET
P. O. BOX 1069 (2)P 346171
CLEARWATER, FLORIDA 34615

PALM HARBOR, FLORIDA 34684 (813) 785-4402 FAX (813) 785-0735 33920 HIGHWAY 19 SUITE 150

Brian D. Forbes P. O. Box 1531 Tampa, FL 33601

1993 October 13,

Ms. Sheila Benz Director of Planning Tampa Bay Regional Planning Council 9455 Koger Boulevard St. Petersburg, Florida 33702-2491

University Commons DRI, Manatee County, Florida Re:

Ms. Benz: Dear

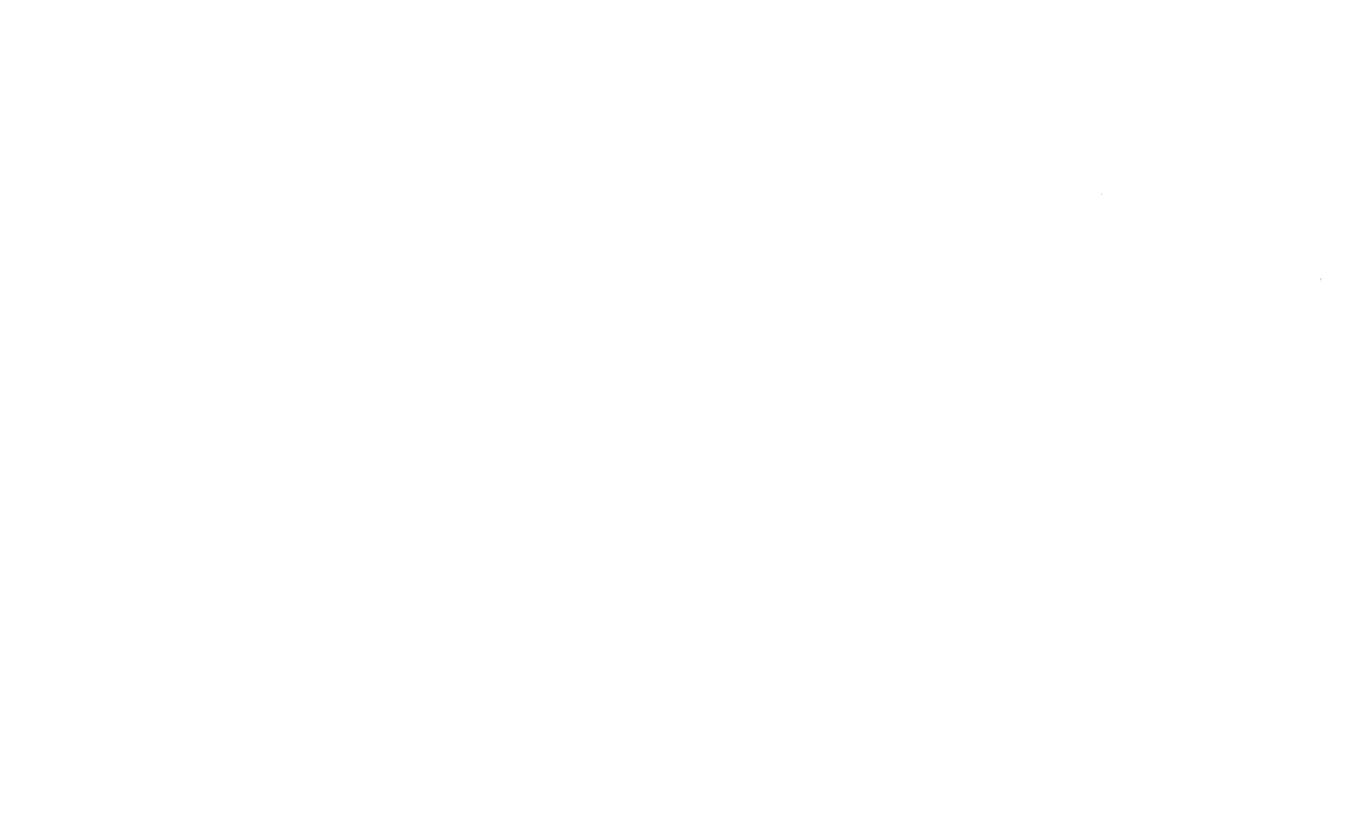
of Enclosed for your records is one fully executed original the Settlement Agreement in connection with the appeal of Development Order for the University Commons DRI.

Very truly yours,

Brian D.

BDF: jr Enclosure

Manage S 0CT 13 1993 Tamna Briv Regional



STATE OF FLORIDA LAND WATER ADJUDICATORY COMMISSION

| UNITY) | er,) CASE NO. APP-92-037 | LIMITED) /Developer) . FLORIDA,) | nts.) |
|----------------------------------|---------------------------|--|-------------|
| DEPARTMENT OF COMMUNITY AFFAIRS, | Petitioner, | UNIVERSITY COMMONS LIMITED PARTNERSHIP, Owner/Developer and MANATEE COUNTY, FLORIDA, | Respondents |

STIPULATED SETTLEMENT AGREEMENT

the above-styled administrative STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS L.P. "Parties"), hereby stipulate and otherwise agree to full, complete, claims raised, ខ្ល COMMONS, to referred UNIVERSITY allo£ (collectively disposition the Respondent in raised, and and Commons"), settlement "Department") claims as follows: Petitioner, from ("University final arising appeal and

(the WHEREAS, on June 3, 1992, the Board of County Commissioners of 92-31, "Development Order"), approving, with conditions, the Univeradopted a Develop 190) Ordinance No. of Regional Impact (DRI No. Manatee County ("Board of County Commissioners") Order, Development "University Commons DRI"); and sity Commons Development Impact of Regional ment

and "County") the Tampa Regional Planning Council (the "TBRPC") and University Commons; (the the Department, WHEREAS, on June 16, 1992, Manatee County Development Order to rendered the

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and Water Adjudicatory 380.07 Section Florida Statutes, the Department filed an administrative Commission (Case No. APP-92-037) (the "Appeal") ; and t t and pursuant the Florida Land 1992, Development Order with July 31, WHEREAS, on

Order, and the identification of the amount of parking spaces which ment's claim that the Development Order does not adequately address able housing, consistency with the State Comprehensive Plan and the Development WHEREAS, the Appeal, which is pending, is based on the Departquality, State Land Development Plan, the rendering of the certain issues pertaining to transportation, air serve the project's retail uses; and wi11

TBRPC's Final Report and Recommendations concerning the University otherwise consistent and in compliance with all applicable laws, rules and regulations including Chapters 163, 187 affordable housing, consistency with the State Comprehensive Plan of parking spaces that the Development Order adequately addresses all the Department's claim and the State Land Development Plan, the rendering of the Developserve the project's retail uses, and that the Developand Bay Regional Policy Plan; air and the County's Comprehensive Plan and applicable issues pertaining to transportation, ment Order, and the identification of the amount 380, Florida Statutes; Chapters 9J-2 disputes WHEREAS, University Commons Tampa Development Regulations; and Administrative Code; The Order is Commons DRI; contends which will and

litigating Parties WHEREAS, to avoid the expense and uncertainty of the Appeal, the in raised issues disputed the

the Commissioners, would satisfy the Department that the said disputed addres to revisions and properly Board specific the raised in the Appeal have been fully ρχ and reached agreement as to adopted ŢŢ which, Order resolved; and Development negotiated issues

380, as may be Statutes provisions and purposes of Chapter such agreements pursuant to Subsection 380.032(3), Florida or any rules promulgated thereunder into the Department is empowered to enter to effectuate the Florida Statutes, WHEREAS, necessary

of þλ coveagreed sufficiency terms, acknowledged by the Parties, it is hereby set forth, NOW, THEREFORE, in consideration of the mutual and receipt nants, conditions and agreements hereinafter consideration, the and between the Parties as follows: good and valuable which is hereby

- Stipulated Settlement Agreement is a compromise and avoid the expense and the issues raised in the said Appeal. from arising into to disputed claims raised, or raised, in the Appeal, and is entered litigating This uncertainty of settlement of
- those COM Order acknowledges that except as the Appeal, the Development laws, applicable all with consistent raised in Department disputed issues plies and is The regulations.
- deemed necessary by the Department Exhibit "A", and by this reference made a part hereof, (hereinafter County attached hereto sets of Board referred to as the "Development Order Amendment") which request the Commissioners to adopt the proposed Ordinance University Commons shall Order to the Development changes

issues disputed the resolve and address properly raised in the Appeal and fully ဌ

- Notice of Voluntary Dismissal of the Appeal with the Florida Land Commission County adopt the Develop and Water Adjudicatory Commission. By their signatures hereon, Commissioners acts on the request of University Commons to o£ promptly abeyance until the Board Adjudicatory Commissioners adopts ment Order Amendment, then the Department shall Ordinance attached hereto as Exhibit "A". parties request that the Land and Water of County matter in Board this Į continue
- regional Subsection 380.06(19), Florida Statutes. constitute of development The Development Order Amendment shall not further substantial deviation requiring د impact review pursuant
- This Stipulated Settlement Agreement contains the entire signed and exclusive understanding and agreement among the Parties and may be modified in any manner except by written instrument by the Parties.
- and analyzed the Development Order Amendment and has found it to be concerning review substantial TBRPC joins in the execution of this Stipulated reviewed regional impact Regional Settlement Agreement to confirm that the TBRPC has duly and Recommendations DRI, and to not constitute a Statutes consistent and in compliance with The Tampa Bay deviation requiring further development of to Subsection 380.06(19), Florida Plan and the TBRPC's Final Report the University Commons The pursuant
- the understand that represent and warrant and Agreement Settlement signatories hereto this Stipulated A11 have read

this and execute upon their shown, solely for the consideration herein described t Stipulated Settlement Agreement in the capacity fully authorized and voluntarily they are same the terms hereof, that executing are judgment, 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.

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. IN WITNESS WHEREOF,

, sealed and delivered presence as witnesses: Signed, onr in

STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Management = DATED: 10

Division

ITS: Director

form and to legal sufficiency: **8** Approved

COMMONS, UNIVERSITY

Gardner James W. BY:

ITS: Authorized Agent 130

DATED:

ហ

Sorie W. Tulous

TAMPA BAY REGIONAL PLANNING COUNCY!

BY: Milia E. Greene

ITS: Executive Director

DATED: 9/28/93

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EXHIBIT "A'

ORDINANCE

DEVELOPMENT ORDER
PMENT OF REGIONAL PROVIDING IMPACT, ALSO KNOWN AS TBRPC DRI #190; PROV SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE FLORIDA, AMENDING THE DEVE SITY COMMONS DEVELOPMENT NOWN AS TBRPC DRI #190; COUNTY Ö BOARD THE UNIVERSITY QF COUNTY, ORDINANCE THE AN ORDII

Commissioner O of vote seconded by Ø following ordinance was adopted by Commissioner þλ ion mot Upon

οŧ Order") adopted Commissioners "Development Order "University Commons DRI Commissioners") (the "be. the Board of County 92-31, (the ne University County (the the οŧ 1992, Ordinance on June 3, 1952, 190) Development Order, Ordinal approving, with conditions Regional Impact (DRI No. 19 County WHEREAS, Development Manatee

WHEREAS, on June 16, 1992, Manatee County (the "County") dered the Development Order to the State of Florida Department Community Affairs (the "Department"), the Tampa Bay Regional nning Council ("TBRPC"), and the Owner/Developer of the versity Commons DRI, University Commons, L.P. ("University and University rendered Planning

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

ment'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; WHEREAS, University Commons and the County dispute the Departs s claim and contend that the Development Order adequately and Code; the Manatee County Land Development and

litigating rtment and specific Board the said and properly Department the that to δŽ of a S es raised in the Appeal, the Del negotiated and reached agreement as evelopment Order which, if adopted ners, would satisfy the Department ised in the Appeal have been fully uncertainty and exbense to the Development and the County Commissioners, issues raised and resolved; avoid WHEREAS, to avorthe disputed issues University Commons ne addressed revisions disputed οĘ

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 Order Development analyzed WHEREAS, the TBRPC has duly reviewed and analyzed Ordinance (alternatively referred to as this "Development Amendment"), including the specific revisions to the Develorder as set forth herein, and has found it to be consistent compliance with the FRCRPP and the TBRPC's Final Repor

Commons University Ordinance ~ Page

ng to ĕ governi empowered pursuant the Commissioners, as taving jurisdiction is authorized and and Order Amendment; Live Board of County Commillocal government having Florida Statnter **Development** this WHEREAS, the 380, o£ consider Chapter body

his thi 5, all public notice requirements applicable to to Order Amendment have been adhered to and fulfilled; WHEREAS Development

County, I public testimony, reports, ted by all interested and has general public Commissioners of Manatee C 1993, held a duly noticed to the Development Order a lered all testimony, re and recommendations submitted by all the οĘ agencies and members considered on the day of hearing on the proposed amendment solicited, received and consider County Board of departments, evidence the WHEREAS, comments, parties,

COUNTY REGULAR MEETING OF. BOARD IDA IN A REGULAR 1993, AS FOLLOWS THE ВΥ FLORIDA ORDAINED (EFORE, BE IT ORD OF MANATEE COUNTY, OF DAY THEREFORE ASSEMBLED THIS COMMISSIONERS NOM

SECTION 1. FINDINGS OF FACT

following the of County Commissioners hereby makes fact: The Board o£ findings

- Development 3, 1992 and appealed on Commons June was no the University approved 1992, 16, Was June the Department. which for of Regional Impact, which rendered by the County on 31, 1992 by the Department Order Development The οĘ Ø
- the expense and uncertainty of litigating the various issues raised in the Appeal, the Department and ty Commons negotiated and reached agreement as to revisions of the Development Order which, if adopted Board of County Commissioners, would require the nt to voluntarily dismiss the Appeal. Universitic revisative Board avoid the University Department disputed α
- and considered t Order, which Order, v Development in Section of County Commissioners has received specific revisions to the Developmentevisions are set forth in Sectiont Order Amendment. The Board of Development the said specific U
- considered all testimony, reports, comments, recommendations from all interested parties, the general public. and members of of County Commissioners departments, agencies has and hearing on ment, and Board evidence The
- have required policy, h procedures, and all procedures local government regulation or د٥. adhered statutory rule agency rul been duly All [1]

SECTION 2. CONCLUSIONS OF LAW:

- following of County of the Board that: and the fact County concluded previous findings of f Development Approval*, Commissioners of Manatee the οĘ nodn Conditions Based Ą
- the Land ate St ere interfer Adopted the area The Development* will not unreasonably achievement of the objectives of the Development Plan applicable to the are achievement Development $\overline{}$
- land State Com-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 prehensive Plan, Ordinance 89. amended. 2

| • | | |
|---|--|--|

- and Development report 1991 the this ω, issued on April by with conditioned consistent TBRPC a S ÷ S Development*, Amendment, endation of recommendation Order The 3
- Order, conduct as modified by this Amendment d pursuant the record imitations in the original Development, restrictions and limitatic is authorized to conducted regulations, and based upon the Developer* is authorize duly have been in the Development Order, conditions, described proceedings law and rem applicable law and these proceedings, these r-development as c these forth a
- 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 the that o£ o£ the extent t and conditions terms and confie terms inconsistent with the terms and ent Order Amendment, the terms and ADA*. the and Amendment Order, this ADA* is inco Development Statutes, wi Order, this Development υ

ORDER: TO DEVELOPMENT 3. REVISIONS SECTION

follows: amended as is hereby Order Development The

Order the Development of Section 3. in ---| Table o U ornote 2 amended Footnote is 4

ing space requirements, which the require 1,280 parking spaces 1 uses approved on-site including 250,000 square existing 250,000 square footester, which is located on 30+ acressast corner of the Project*. The shall comply with the Manatee Development would currently require for the retail uses appro acreage and e existing shopping center, which in the southeast corner parking the retail existing read: the Land Development Commercial to minimum include County center the

adding amended by is Development Order of the Deve definitions: 4. Section 4. following M

Work two pe are for defined in the Manatee Plan, to serve/mitigate ime within natee County Improvements that completion Improvements improvements be deemed to be within a reasonable time frame "Concurrent" shall mean that public facilities County roadway shall with the .., F.A.C. "reason shall scheduled first when Element, roadways or roadway improvements are scheduled for construction comple the Development's* impacts. A reasonable frame for transportation facilities shal roadways or roadway improvements that scheduled for construction completion withe first two years of the Manatee Comprehensive Plan Capital Improven pursuant comp capital r DOT's Adopted Five-Year addition, roadways or r agreement is in compliance wi 9J-5.0055(2)(a)4., guarantees that the đ the place available within occur. Element, or roadways or roadway currently under construction or s construction completion within t years of FDOT's Adopted Fiv development Ľ plan, of the development first year of t re Plan Cap: roadways or ro рe will services are avaitime frame", as ty Comprehensive 1 agreement ids of Rule he agreement facilities w within the first Comprehensive P local government In improvements andards the Program. impacts County able sary and

form the capital Devel "Funded" nts in the i credit or ot acceptable fund the adopted ", "Funding", "Fu commitment by the private entity, tuired improvements government's Commitment", required ø improvement program. program local go shall mean other contract, Developer's work o£ or "Funding "Fund" rears

private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governwhich other r construction facility, whi or mean may include the Developer "Responsible Entities" shall which will be responsible for a given transportation faentities may include the Deve entity. mental

to amended S. Order **Development** the of 5.A.(1) Subsection read: O

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 man. nospital 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 coil and 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 offers the Development* this Development than personal infirmclinical medical facility ity, abuted avairated a regularly makes avairated a regularly makes avairated a regulatory services, diagnostic a regulatory vices, and treatment facilities for surgery vices, and treatment facilities for surgery vices, and treatment facilities defined hours which: "offers become, board, person those required for room, board, person services, and general nursing care, and off facilities and beds for use beyond 24 hours individuals requiring diagnosis, treatment, individuals requiring diagnosis, treatment, Development ir extent, as der Florida Statutes. ivses of this Devel ital" is defined services more limited to the schedule listed ر i, injury, d;, disease, available pursuant For purposes of rm "hospital" is 395.002(6), abnormality, <u>-</u>-8 be Order. r. he term "hos_r "offers implemented This

<u>ب</u> ج Order Development the οŧ 5.B.(1)(a) amended to read: Subsection Δ.

Option

require Responsible shall from Development* Commitments* the o£ Н Funding Phase

improve-Vertical Withof intersection needed Phase that t impacts occur improvements ensure for these and for the shall e issued shall ens and roadway an in Tables for ments, construction permits
Development* shall not be issu
The Funding Commitments* shall
roadway and intersection impri with Signalization Commitments* concurrent in improvements listed the for in place development. Funding are

amended Order is the Development of -Subsection 5.B.(1)(a) read: to [1]

LOS. shall Segment Improvement "- "- TBRPC and sd* at this time pursuant to TBRPC and County Level of Service policies, and to pe of Service designation C to some lower LOS. representative n. The results this Development* order not be provided in of w111 in and thereon require such improvements i maintain a current acceptable level ("LOS"). These improvements wil some way Segment Improvements #1 onitored annually during a re peak hour weekday condition. time for shall such U mitigation SHS Level o ros these monitorings unal Report until SHS I Report monitored FDOT ង revised Warranted* required not Manatee Roadway Roadway the p.m. may þe o£

are Warranted*, or lower minimum acceptable Level of or Ω ros to Ü the improvements from LOS revised the (2)

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- become Warranted*, no further building permits shall be issued natil the improvements nd Funded* by with shall be issued until the said im are Committed for Construction* and Responsible Entities* Concurrent* the Development* οŧ impacts
- amended ... S Order the Development of ~ 5.B.(1)(a) Subsection read: to Į,

n of said lization is Warranted*. The Funding* of intersection improvement shall be listed condition in any Certificate of Level of ο£ Funded* Vertical Code. Developer* in accordance with Land Development Coshall be responsible for construction/installation Construction/installation shall for when shall be any Certificate of ("CLOS") issued any credit to occur . prior
Applicable
the Developer* in
and cr.
and cr. Intersection Improvement #1 shall Developer* Compliance Manatee County permitting and signalization. County condition signalization Development*. Manatee Development* t t granted the Mana the Service this

amended Order is of the Development . m 5.B.(1)(a) Subsection read: to Ö

#2. Intersection improvement #2 Sarasota construction. identified construction and currently under Manatee The County shall Fund* the construct the improvemen δ Funded* S the intersection and peen Counties has

amended ល ٠. the Development Order of 4. 5.B.(1)(a) Subsection to read: I

Commons

t turn lane acty Parkway/Tuttle improvement shall the ersection of University Parkway/Tutt nue. This intersection improvement sha constructed Concurrent* with the impacts Development* and shall be listed as οĘ for the Development the construction southbound right turn lane CLOS shall Fund* in any Development* intersection ๗ County condition Avenue. the

amended : : Order the Development 5. of 5.B.(1)(a) Subsection to read: -

Intersection Improvement.

Funded* by the Developer*. Applicance 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 shall be responsible for determining to the lane of the contribution of the contrib 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 interресоше shall impacts improvements
and Funded* by Warranted*, no further building permits be issued until the said improvement: Committed for Construction* and Funded* k Should and #' the with Concurrent* improvements Development*. Developer*, section the

amended of the Development Order is . 9 5.B.(1)(a) Subsection : 5

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 of listed Funded* construction subparagraph for pe shall be issued improvement shall in any CLOS issue The Funding* and ition in any CLO% identified in this **₽** Intersection Improvement intersection condition Warranted*.

amended S the Development Order of Subsection 5.B.(1)(a) 7. read: to ×

the and #8 constructed to issuance of any for the land uses Development*). The Developer shall be responsible for the permitting and construction/installation of the signalization signalization and #8 will 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 lanes) and and (additional Developer*, #1 9# Intersection Improvements #6, ο£ required by Improvements Construction/Installation of geometric improvements (a required by Improvements #7 the λď Funded*



þe is for subparagraph. construction ents shall CLOS issued signalization improvements this and any identified in ed*. The Funding* intersection impro ij said condition when uses occur đ Warranted*. g land listed shall these

amended i.s Order the Development o£ . б 5.B.(1)(a) Subsection read: to j

nty are Exhibit tisfying provisions B.(1)(a)1. through this Development Order, the Developer*lso satisfied the concurrency require-of Rule 9J-5.0055(2), F.A.C. and the rency requirements of Manatee and the Counties for Phase I. The concur-County as Order Sarasota to this Development of requirements also satisfied s of Rule 9J-5 satisfying ments of Ru concurrency Sarasota attached of ments rency has \overrightarrow{B}

to amended S Order the Development of 5.B.(7) Subsection read: Σ

such 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 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 for the future οĘ In the event Ily available Section and/or Sarasota capacity develop-thereof, ر shall Commencement amended o£ County concurrency requirements in effect the time of the Developer's* application Certificate of Level of Service. In the ev οĒ is subject Certificate of Level of Service. In the that transportation capacity is only averance a portion of Phase II, development portion may proceed, with development balance of Phase II being subject to sub-phase all be arn. transportation impacts ဌ be required for II, or any sub-pl pursuant shall II transportation to review pursua Florida Statutes. incorporate such mitigation. Order as to Development Will determinations Phase mitigation Phase of ment

to amended ... S Order Development the οŧ 5.J.(3) Subsection read: Z

r specific affordable eloper* will, prior to commencing elopment of Phase II, reassess the supply affordable housing in accordance with the 's methodology and any applicable Manatee inty methodology in effect at that time. 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 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 for any amended that methodology in eff it be determined ľ is. Phase Order development of οŧ Development Developer* approval County Should o£



Commons

sub-phase shall be such mitigation required any Order or Phase II, Development housing mitigation will incorporate of the development to thereof, amended

the

for

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to amended i S Order Development the of 5.R.(1) Subsection read: ċ

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, quality develop-thereof, amended ny sub-phase shall be am such mitigation. , or any Order sha mitigation will ment of Phase II the Development incorporate

REAFFIRMATION: S SECTION

entirety its Order is hereby reaffirmed in this Development Order Amendment. Development amended by **0** The except

RENDITION: ģ SECTION

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 t t directed Amendment is hereby Order TBRPC. Development Court the Circuit and s office, but ...
Permitting and Department, the οŧ copies the Dep Clerk Planning, certified Developer, The

SECTION 7. NOTICE OF RECORDING:

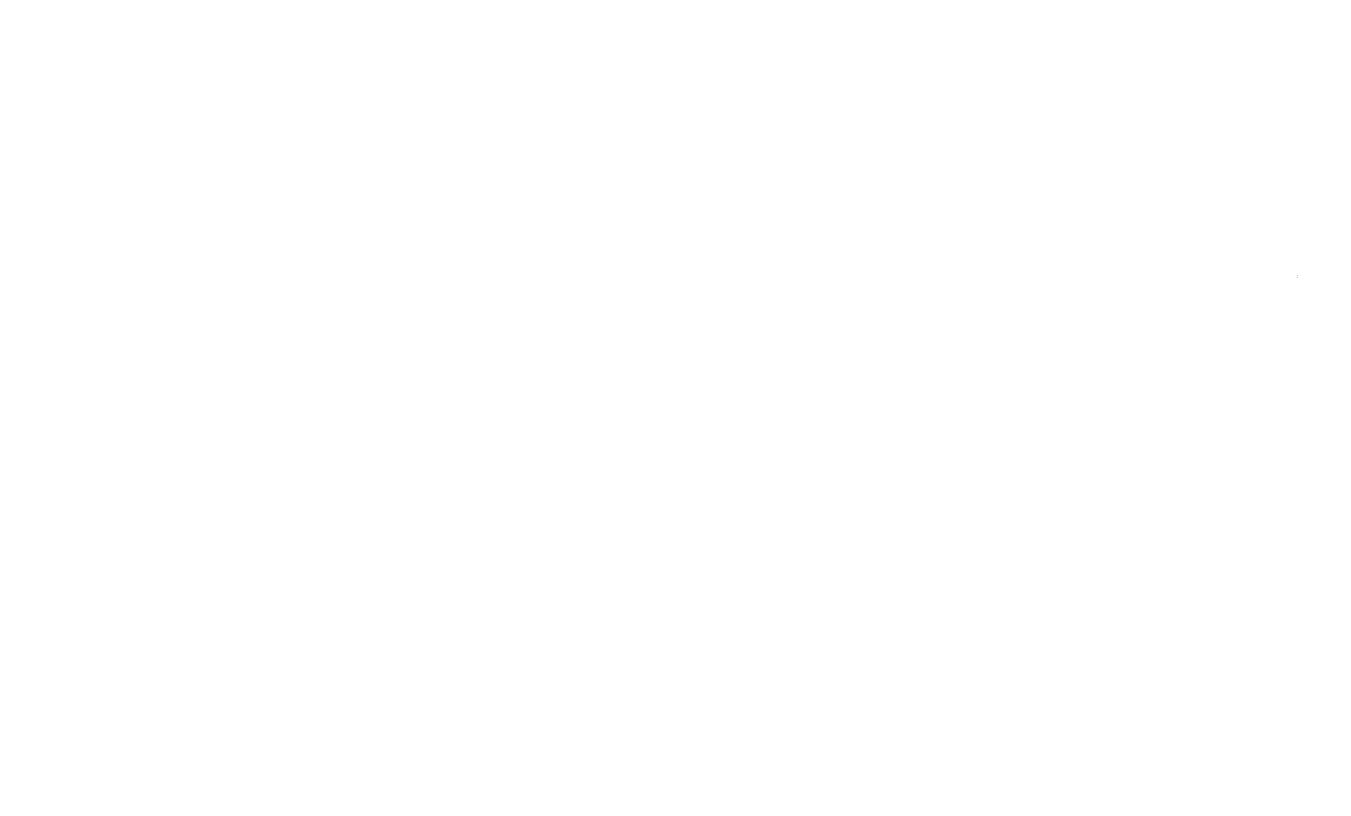
Subsection Inspec oŧ of copy and Adoption with Su ø Permitting furnish οť accordance 1 shall furr Notice lorida Statutes, and shall to the County's Planning, ๗ in snall record Amendment in Developer shall Florida Order tions Department. Notice (15)(f), Development 380.06(15)(The recorded

SEVERABILITY: . & SECTION

If any provision or portion of this Development Order Amendis declared by any court of competent jurisdiction to be void, stitutional, or unenforceable, then all remaining provisions portions of this Development Order Amendment shall remain in unconstitutional, or unenforceable, the and portions of this Development Order full force and effect

9. EFFECTIVE DATE: SECTION

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 Appeal to



| | of |
|----------------------|--|
| | PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this day of, 1993. |
| - University Commons | County |
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| ersity | Board c day of |
| Jniv | the |
| • | by this |
| - Ce | PASSED AND DULY ADOPTED by Manatee County, Florida this |
| dinan | DULY nty, |
| Or | Con |
| 9 | ее |
| Page 9 - Ordinance | PASSE Manat |

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

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Chairman



MANALLE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

1992 15, Ms. Suzanne Cooper, DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Boulevard Suite 219 St. Petersburg, Florida 33702

University Commons DRI RE

Cooper: Dear Ms.

the approved Development ų O Enclosed please find a certified copy Order for the University Commons DRI.

813 a T шe contact free to feel If you have any questions please 748-4501 extension 6872.

Sincerely,

Senior Principal Planner Michael A. Pendley, Senior Community Planning Section

received 6/18/92 mailed 6 | 16 | 92

MP/ef

DRI : ປຸດ

F11e DRI File Central B

MANATEE COUNTY ZONING ORDINANCE Z-89-46(C) - UNIVERSITY COMMONS

AN ORDINANCE OF THE COUNTY.

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 MULTIUSE 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-ALLOW A RETIREMENT.

WHICH CONTAINS A HOTEL, COMMERCIAL, AN CONTAINS A HOTEL, COMMERCIAL, AND FACILITY, A SKILLED NURSING FACILITY, MEDICAL OFFICE AND GENERAL SUPPORT OFFICE, PERSONAL CARE AND INDEPENDENT LIVING FACILITIES, A GOLF COURSE, AND A HOSPITAL AS FACILITIES. PERSONAL CARE AND INDEPEND PACILITIES, A GOLF COURSE, AND AN ALTERNATIVE TO THE GENERAL CONTLLED NURSING USES; PROVIDING

Q BOARD OF COUNTY COMMISSIONERS THE ORDAINED BY FLORIDA: BE IT COUNTY, Section 1. FINDINGS OF FACT. The Board of County evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning 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, 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).
- ULL with the e Manatee 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.
- Atlas to be C. The proposed amendment to the Official Zoning the property described in Section 4 herein is found with the contraction of th the Manatee County Comprehensive Plan. regarding -01, σ
- and ontindependent living alternative to the with the following ment Plan, encardow a retirement a commercial, an or andical office andical Development Development an UNIVERSITY COMMONS, is hereby APPROVED to allohealth care project, which contains a hotel, opatient facility, a skilled nursing facility, general support office, personal care and facilities, a golf course, and a hospital as an general office and/or skilled nursing uses definitions and stipulations: General The 2 Section

DEFINITIONS:

word Note: о В phrase asterisk ۲. ص (*) foll
defined. following ወኔ word 9 phras Ö denot 00 tha ſΤ the

- "Application for Development Approval" (University Commons' Development of Regionator Development Approval (December 28, 1 information submittals by the Developer* August 21, 1989, December 29, 1989, December 19, 1990, and technical memoral information submitted on October 25, 199 March 13, 1992, March 18, 1992 and April Map H dated October 7, 1991. (December 28, 1988), and y the Developer* dated Marechical memory october October 25, 1991, (1985, memoranda a... 25, 1991, January 27, 1992 an dated May "ADA") 19, 1990, and supplemental anuary 10, 1992, NDA") shall mean pact Application and additional and 1990, 23, 1989,), and
- W examination of alternative practices, to be the m and practicable means of reducing or prevent source pollution to levels compatible with w goals. These measures could include both struct sediment/debris basins, wetland impoundment of runoff, etc.) and nonstructural (e.g., stree deferred grazing systems, etc.) approaches to nonpoint source pollution, and would vary on a local basis depending on the nature of the proble physical characteristics, land use, soil types an and other factors. Management Practices" ould include both structural (e.g., wetland impoundment of agricultural shall be the most types preventing with water problem street mean problems, climate, to abatement ա water the regional assessmer vacuuming, nonpoint essment, Efective and ity
- വ "Developer" shall m assigns, designees, the University Commo nees, agents, and suc Commons Development* mean University and successors opment* and all Commons, in : int: interest as t stipulations hei e to
- U footage, density, phase and/or this Development "Development" property ity, phase and type as velopment Order herein, described in Section 8 shall mean the land S to be uses by area, described in the to be constructed g square ADA*, on the
- 团 granted Final P drawing requirēd "Development Plat, approval through and Approval" shall mean Final Site Pla Final Site Plan process and/or construct where site plans or subdivision plats are Site any y approval Plan*, Pr al for developed preliminary construction development minary Plat,
- וניי proposed for the e "Master Drainage l stormwater ma entire project Plan" shall mean management 9 follows: components O plan which g ტ ტ shall constructed
- existing topography;
- \sim Development*; existi with their direction exis xisting will drainage reatile affect the ont*; existing a features, the and outfall drainage of developed tfall; poth g site concept drainage and off 0f basins, site the
- w eventual proposed include: Ø detention - O management lakes, conr ent facilities connection of lakes which and shall the
- 4, property shapplicant stormwater. off site shall proposes to """ areas that historically to Bs CT accommodate Ó the method drain through of f that the 7 Ø
- G "Preliminary Site Master Site Plan Subphase as defir Code, (Ordinance defined Plan it (D 90-01) or Plan" 디디 Preliminary n The Manate) for a Phase (or " PSP ") anatee Phase Site County Lan or Sub-Phas shall Plan mean Land for b Development þ Phase 95

- or nany lands determined to ned by Chapter 17-301, and implemented by the approved "Post-Development Wetlands" shall mean any lands determined be within jurisdictional limits defined by Chapter 17-30 Florida Administrative Code (F.A.C.) and implemented by Florida Department of Environmental Regulations ("FDER"), as defined within Chapter 40D-4, F.A.C., and implemented the SWFWMD, including any wetland mitigation areas approved part of development for this or any other project.
- "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*.

Н

- deemed t O and . units ar addition ре "Vertical Development" shall mean and shall include the construction of new residential uresidential units or the reconstruction or ac structure such Ь
- county or other accepted I 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 Transportation Division, Public Works Department, or oth responsible County department, based on generally accept transportation engineering practices that the adopted Level Service cannot be maintained on generated by the Development* trips merely the ×
- Florida Statutes Order. 380, contained in Chapter to this Development apply definitions also shall

STIPULATIONS:

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. 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 illhess, indury deformity, laboratory
treatment
e, or other
as Statutes treatment, or care ... discuss, or provided regularly makes available at least clinical services, diagnostic X-ray services, and facilities for surgery or obstetrical care, facilities for surgery or obstetrical care, Florida for surgery or obsection 395.002(6). 395.002(6), facilities definitive defined in

TABLE 1
DEVELOPMENT* LAND AREA AND USES

| HOSPITAL (Hospital) | GENERAL OFFICE | GOLF COURSE (Attraction Recreation) | SUPPORT OFFICE (Office) | and Out Patient) | (Office) | MED CENTER | OUT PATIENT | (Office) | MED. OFFICE | COMMERCIAL ³ (Retail) | (Hotel) | HOTEL | (Service) | SN | (Residential) | ጽ | (Residential) | Ħ | | Land Use | Continuity A | China |
|------------------------|-----------------------|-------------------------------------|-------------------------|------------------|----------|------------------------|-----------------------|-----------------------|---------------------|----------------------------------|---------|-----------|-----------|------------|---------------|-------------|---------------|----------------|-----------|-------------|--------------|-------------|
| | 27,140 sq. ft. | i golf course | 45,000 sq. ft. | ŧ | ' | 110,000 sq. ft. | 24,000 sq. ft. | • | 86,000 sq. ft. | 305,000 sq. ft. | | 240 гоопы | | 120 bcds | | 160 lus | | 484 ius | 1661-7661 | Phase I | Column b | Colinary of |
| | 176,664 ag. ft. | 1 | 1 | | | 34,000 sq. ft. | 24,000 sq. ft. | | 10,000 sq. ft. | 10,000 sq. ft. | | 1 | | 120 beds | | 80 lus | | 242 lus | 1998-2002 | Phase II | Column C |) |
| j | 203,804 sq. ft. | i golf courac | 45,000 քզ.քե | | • | 144,000 sq.ft. | 48,000 sq.ft. | | 96.000 sq.fL | 315,000 sq.ft. | | 1 | | 1 | | ***** | | l | 75 | Total Sq. | Column D | , |
| ı | I | i | Proprie | | | 1 | ı | | J | 1 | | 240 rooms | | 240 bcd. | | 240 iu. | | 726 hu | | Total Units | Column E | 1 |
| I | 8.6 | 118.4 | A. is | | ; | 25.7 | 8.5 | | 173 | 33.8 | | 14.8 | | 12.5 | | 10 | | 58 | | Acres | Column F | |
| 234 beds | 10,000/250,000 sq.ft. | N/A | N/A | | | 120,000/235,000 sq. ft | 24,000/60,000 sq. ft. | שלי זר ישלי את בלי זר | 96 000/175 000 a. A | N/A | • | N/A | 1 | 0/240 heds | | 120/320 lus | • | MAXIDUD N/A | Minimum/ | Land Use | Column G | |

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

- (2) and to, roadway capacity, mass sewer, parks and recreation waste service, necessary to Preliminary and Final the basis of demonstr Comprehensive Plan an the nary and Final Site Plan approvals shall be gran is of demonstrated compliance with The Manatee ensive Plan and the Land Development Code, as amavailability of level of service for, but not lidway capacity, mass transit, potable water, samparks and recreation facilities, drainage, and ervice, necessary to serve the Development*. Il be granted on Manatee County ode, as amended, sanitary and solid
- The County has determined the conditions contained herein, a service capacity for the concustry. S.A. (2) above to accommodate Development* and that said capareserved for Phase I of the I capacity for Phase I shall be (5) years from the effective d County city for the concurrency items listed in See to accommodate the impacts of Phase I cand that said capacity for the impacts are Phase I of the Development*. Level of See Phase I shall be reserved for a period of the effective date of this Ordinance. ein, there exists concurrency items that with the Development cists adequate levitems listed in Se level of noter level of notes of the I of the tre being Service of five
- must The I, c 9 Developer* shall submit a Preliminary or any subphase thereof, within twenty effective date of this Ordinance. All have Preliminar Site Plan* approve Preliminary Site Plan* ithin twenty four (24) approval four (24)
 portions c of months of of Phase I five (5)

portions or rhase n approval within of this Development O Order ten ten (10) have F Years Preliminary and from the date (Of Final inal Site approval

Transportation

The following altetransportation Developer* alternatives impacts. to option, sho mitigate shall te the project one W Phase Of the e I

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*.

(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

Commons University for Improvements Link Required (1997)-Phase

| Required Improvement | Construct 2nd NB off-ramp lane at I-75. | Construct 2nd SB on-ramp lane at I-75. |
|--|---|--|
| Development Traffic as a % of LOS "D" Peak Hour Capacity | 9.9 | 3.0 |
| Total Traffic LOS Prior to Improvement | Q | Ω |
| Road Segment | I-75 (West) to I-75 (East) | I-75 (West) to I-75 (East) |
| Roadway Segment Improvement Number | I-75 (V I-75 (F | I-75 (V I-75 (B |
| Roadwa Segmen Improv Number | | |
| | | |

(located within Sarasota County) Connector Road Airport

TABLE 3

(1997) Required Intersection Improvements for University Commons Н Phase

| ent | | | 2nd Et turn | 3rd EB a- | 2nd lane ig- n |
|--|---|---|--|--|--|
| Required Improvement | Signalize when MUTCD- Warranted*. | ounty) | Construct 2nd NB & SB left turn lanes. | Construct 3rd thru lane EB & im ciana- | Construct 2nd left turn lane NB & EB. Sig- nalize when MUTCD- Warranted*. |
| Development Traffic as a % of LOS "D" Peak Hour Capacity | 7.8 | hin Sarasota Cc | 9. | 9.1 | 11.6 |
| Traffic LOS Prior to Improvement | ĨΉ | University Parkway (partially within Sarasota County) | <u>[*</u> 4 | Et a | <u>fr</u> , |
| Inter- section | Road at enue | y Parkway | | (West Side) | t Side) |
| Intersection Improvement Number | Tallevast Road at Tuttle Avenue | Universit | U.S. 301 | I-75 (Wes | I-75 (East Side |
| Inters Improv Number | • •-i | | | . m | <u>ন</u> |

Page σv. Z-89 46 (C) University Commons

| 80 . | 7. | · o | ហ • |
|--|---|--|---|
| Lockwood Ridge Road at Project access Drive C-1 | Lockwood Ridge Road at Project Access C | Lockwood Ridge Road at Project Access B | Tuttle Avenue at Project Access |
| N/A | N/A | N/A | N/A |
| N/A | N/A | N/A | N/A |
| Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. | Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Sig- nalize when MUTCD-Warranted*. | Signalize when MUTCD-Warrant-ed*. | Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn & 1 thru lane EB & WB. · Sig- nalize when MUTCD- Warranted*. |

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

- <u>ب</u> until 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 this time pursuant Service policies, a volumes thereon requ this Roadway such time as Segment Improvements #1 and #2 are not Warranted* at lant to TBRPC and Manatee County Level of s, and may not be Warranted* until traffic require such improvements in order to maintain ptable level of service ("LOS"). These ll not be required as mitigation for this
- (2) the 9
- the Los improvements are Warranted*,
 minimum acceptable Level of
 C to LOS D or lower. Service r S revised from

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 the said improvements are contimely manner in accordance Concurrency Procedures Manual, ខ្ល amended.

Applicable cred accordance with Manatee County signalization i construction of credit with t of s Je granted (
Lie Manatee County Li
/ shall be responsible
is Warranted* and the t
f signalization. runded by the Developer*

d to the Developer*

Land Development Cole for determination - uuded timely permitting Code.

- construct or such County of the the same or greater e County. The County nt which provides Applicable credit o T permitting and #2 accordance the County. intersection O.T timely permi construction shall be granted to the Developer* in acc which provides t f approved by the for the timely improvement which proving capacity if approved responsible for the transcrive in or such alternative i for Development the identified fund on capacity i responsible shall improvement, or such County Land improvement Developer* intersection shall be re alternative shall ന
 - 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 recess to University Parkway. The Developer* curn approved 4-I driveway, -out -in/right right o N County. lane 4
- 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 Improvement is a companion improvement to 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.

ហ

- Living nd the by any ρλ ling accordanc constructed amended and control Improvement #5 will be funded and constructer's and signalized prior to issuance of of Occupancy for the Hotel, Independent Lirsonal Care/Skilled Nursing Facility, and ness Center unless this condition is amende ij any other amended and are Commissioners regulations Intersection Improvement the Developer* and significates of Occupancy Facility, Personal Care Medical/Business Center County (or law. Personal the Boar ordinances, rule. ...th applicable] 9
- to issuance ial and Golf condition is id any other amended in condition , #7 and #8 will be funded and signalized prior to issu-ncy for the Commercial and (the Commercial unless this con and are Commissioners regulations ates of Occupancy for of the Development*
 Board of County Com or County law. rules Intersection Improvements #6, constructed by the Developer* of any Certificates of Occupar ordinances, ru with applicable Course portions by the controlling accordance amended
- for at itted by interlocal agreement Counties and the Manatee County construct a right-in/right-out cess to University Parkway for Centre (i.e., center ota Counties and const. permitted access shopping Developer* may, if per een Manatee and Sarasota fund an direct site Plan, driveway to provide the existing on s University Parkway) between Manatee Comprehensive σ
- asora B. (1) (a) 1. County Sarasota In addition to satisfying Option 1, provisions through 7. of this Development Order, the Development Order, the Development Order, the Development Order, the Manage L. Manage L. Manage L. Manage L. Which requirements of Saras #2). (Attachment attached g

B. (1) (b) Option 2

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 the event that commitments for transportation improvements only adequate to permit approval of a portion (subphase) the Development*, the capacity and loading of isportation facilities in the University Commons DRI the event that are H of

above) are operating at or above roadways (I hours (C peak in rural areas), and that the expectation be generated by such approval, in addition to development would not cause the level of Service. improvements or mechanisms which, when implemen maintain the roadways referenced in Option 1 at Service D at peak hour (C peak in rural areas). traffic counts and the projection of traffic volume prepared consistent with generally accepted engineering practices. Prior to any specific approvinitial subphase approval, the County shall ensure findings of fact that the above roadways (Tahlanabove) are openations. on the above listed roadways and projections of traff volumes that will result from the completion of construction the initially approved portion of Phase I plus that to generated by the next portion for which the Developer* seeking approval. Each updated traffic analysis shall serve verify the findings of the DRI traffic analysis (referenced Option 1) or shall indicate alternate transportation 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 Development Order specific approval specific approval associated with ea each subphase shall and to ре identify amended for county shall ensure in wo Level of Service and that e roadways (C peak in the ak in each roadway implemented, to operate rural areas subphase to expected trips n 1 at Level of areas). Both the volume shall be approval beyond nsure in written other transportation lemented, will traffic counts
s of traffic
construction improvements areas). **J**....ā approved 1 and 2 at peak shall be traffic grant below of. 0 is to Ç эд

- (<u>2</u> The analysis future ro lysis for roadway the Development* improvements consist assumed d in the transportation
- (a) University Ridge Parkway Road and 98 DeSoto four Road; lane and facility between
- ਉ Lockwood DeSoto Ro Road Ridge and 27th Road Avenue 9 þ four lane facility between

Both const of these ructed. Offi assumed roadway improvements have been

 \square

- uses. Failure to provide require the submittal of submission of a Notice of Pthis change is a Substanti The Developer* shall construct or pedestrian ways, and cart paths, as in any combination to internally Failure mittal of a revised totice of Proposed Change Substantial Deviation. gaid on site roadways, bikeways as appropriate, singularly only connect all on site land internal traffic to determine connections analysis whether shall ly or land and
- that the total

 Development* by Beginning w
 Development presumed to be a Substantial periacion. Substantial Deviation determination may also serve as for the Developer* or reviewing agencies to Development Order amendments. that the total trips exceed projection 380.06(19), Florida Statute presumed to he a content of the content of t peak hour instituted Report continue on information trips hour for on an the traf with 9 3 Order, an annual monitoring program consisting of raffic counts at the project entrances shall be to verify that the projected number of external the Development* are not exceeded. Counts will shall be annual basis through project build-out, and the hall be supplied with each required Annual hall be supplied with each required Annual the ntial Deviation determination (19), Florida Statutes. This Substantial Deviation. The first annual projected report Manatee County required counts ion results change pursuant hange will sults of t indicates for a basis request b r the the Эq to

to be a Substanalysis requir Statutes, will and agreements variance iance greater than than Substantial Deviating Substantial Deviating required pursuant to will be based upon rements reached at another seconds. Deviat that ation, the revised transportation to Subsection 380.06(19), Florida on results of the monitoring program another transportation methodology identified above ր. Ծ determined

the o£ preparation the to prior held рe ဌ meeting tanalysis.

- erve the right to initiate procedures right-of-way within the project site; and roadway improvement needs, in mandated procedures and timeframes. accordance 디 not 44 -H may not be implemented reserve reserve ri s transit with legally atee County shall identify and rese future mass tra applicable condition accordance Manatee This with for B. (5
- 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 NPT

B. (6)

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 include, shall and Plan Development Order amendments further the TSM objectives Florida Transportation Plan limited to:

private and public ridesharing Promote employees. Policy: section

OBJECTIVES

- occupancy expanded automobile Increase urban area peak hour au rates by 10 percent by 1995 efforts. ridesharing
- and percent transit for 20 rates es by occupancy raics Increase peak hour occ other high occupancy 1995.

Д

- 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 the event that transportation capacity is only available for a portion of Phase II, development of such portion may 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 subject to fut availability. 6
- shall dedicate 25, as County road right-of-way stern property line to Tuttle Avenue at the rty line of the western parcel above the area downsing/Personal Care" on the University Plan western from their wester northern property marked "Skilled N Commons Master The Developer* 8

Lands and Soils

- Ü hazardous agricultural 17-730, F.A.C., prior activities in the area apply. agricultural shall Developer* 9 removed exemptions shall area(s) and test to substances/waste, in Chapter 17-730, F.A.C., the to be developed. on-site commencement soils pursuant of land of for Contaminated the presence of t to Chapter development ., shall and soils not the
- G 2) The 0f the soil ADA* conservation measures shall ф Д required. referenced on Pages 14and 14-

Wetlands

- $\widehat{\mathbb{L}}$ jurisdictional areas, pursuant shall be minimi A11 wetlands existing pursuant minimized created jurisdictional wetlands to policy on-site shall b C wetlands () mitigate þе tigate impacts be treated as FRCRPP, and imp to remain cts to existing as conservation limpacts thereto on-site
- Ġ. 2 The Develo jurisdictic herbaceous meet SWrwww cul-mitigation area may into, such littoral mms said Manatee rat t SOL 0 f shall Developer* ratio are mitigated and County ional be in wetlands at a minimum ratio of 2::
 wetlands and 4:1 for forested wetlands unless
 reduced in accordance with the requirements of the comprehencing of the com 99 Comprehensive Plan, but in no instance shall reduced below 1.15:1. The wetland mitigation in addition to any littoral planting required to irface water management requirements, but such a may be located adjacent to, or incorporated toral zones provided the total acreage is the ed and required littoral acreage. shall mitigate all unavoidable impacts O.H of the shall those
- U (<u>u</u> wetland con mitigation applicable All for and accompl three survival/cover exotic species encroachment. species diversity, mitigation (S) 3) years and an 85 percent survival/cover communities at the end of five (5) year ion security shall be required in acco years County as necessary to maintain an 85 percent of herbaceous wetland communities at the end of areas ty shall i and composition, littoral эd required on, spreading (regenerat Additional planting shal shelves shall accordance years. ф Ф of forested monitored Wetland with lon) Эф 0f
- D. (4) with objectives Plan. act No state development Jurisdictional wetlands ivities are permitted by the permitting agen h jurisdiction, and are in accordance ectives and policies of Tho ivities permitting agency accordance with County lands within regional ch the goals, Comprehensive unless or agencies the goals, such

U

- G required adjacent unless al agencies wetland long as Ç wetland buffer areas activity vegetat նյ the conservation Site approved es with ju i on approved by the Coust with jurisdiction. landscaping-related on buffer buffer and Ьy Ç foot development occurs Plans shall the removal Post-Development ping-related activities areas located adjacent lopment activities or re (30') and subdivision Comprehensive ө Д the 0f required or **4**5.5 County ar ion. This native fifty Tision plats of Develorment* and to be dedicated to Wetlands* elorment* phase, or so regetation within the shown on foot Plan, nd any permitting agency restriction shall not ap removal (50′) t 0 shall necessary n any Preliminary containing land v the All buffer golf course, so of viable native ре such to **GEARTOFURITO** established the agency or not apply maintain land with wetland County buffer and
- ŭ (6) areas Xeriscape site design concepts shall 9 Q used in landscaping

Vegetation and Wildlife

Ħ ()ü the event that any species listed H H Rul Œ to w ō 27.003

his shall an which es, site boundary he site proper red in Commission This shall employed the the event a wildlife management plate to this condition, it shall be adopted Development Order. Water es, plan and frequenting spec Action breeding, of Community Affairs. wildlife management fe management to listed sp and Fresh management Environmental shall observed Game wetland O H impacts measures Florida are o£ frequency, '.A.C., ar feeding, the e uo Cooperation "Time Commission ("FGFWFC"), the ("EAC"), and the Department include, at a minimum, a through .. terefor protection/mitigation the at a minimu information ,005, contains fire f maintenance, fire f this amendment to ti protection. required pu:

- conservation PP, shall be g 1.2, FRCRPP, shall Master Plan known the meet 10.1. in TBRPC policy 1 the Development' Development* Attachment forth in 'such on the such designated as such Map H attached as the set as s Areas of definition (5)
- into the ance with community Commons The approximately 7.6 acre mixed harawoou, prochabitat located on the north side of the University Comsite shall be preserved intact through incorporation integolf course or a passive park, or mitigated in accordance golf course or a passive bark, or mitigated in accordance (3)[1]

Historical and Archaeological Sites

ſι

- development shall be immediately reported to the Florida 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 control of the control of the site in accordance of the control of the 1 during Florida (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing resource-disturbing discovered t C allowed resources site are or archaeological resource or archaeological resource or archaeological reportation of completed the area that historical in Ø with the Resources (T).
- oove, shall be description of n of Historical shall require be cal above, co the Division Condition F. (1) the F. (1) οĘ A description of compliance with F. included in each Annual Report. A copy compliance shall be submitted to the I Resources. Non-compliance with Conditical Substantial Deviation determination.

Water Ouality and Drainage:

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e Development*
Florida Water 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 the constructed and the constructed an Transportation by the Pearce drainage system without causing flooproblems within the system. Stormwater management plans any portion of the site planned to drain south to Phillippi Creek Main BA watershed shall be provided to Stormwater Division of the Sarasota County Transportate Department for comment prior to approval by the County. (T)

Ü <u>છ</u> Best Manimpacts, accordance with adopted regulations of be implemented and include a street parking and road. parking Management and roadway areas within the Development*. Practices* (BMP*) for FDER reducing water those and the SWFWMD agencies, sh quality fwmD in shall for

O

- (3) Program, with both rnq Эде obt and Surface lld-out. The ain instituted the ce water and groundwater implementation of a baseline with appropriate sampling frequencies, in conth the federal Environmental Protection Agency FDER's quality control standards. This progratuted before groundbreaking takes place, in control standards. The following as Surface/Groundwater conditions, ty control standards. groundbreaking takes a minimum: quality shall be ass Surface/Groundwater and ndards. This program shal g takes place, in order t continue through projec Monitoring Program ater Monitoring ater Monitoring s, in compliance on Agency ("EPA") project shall
- <u>ရ</u> exist effects purpose of the sampling program shall be to sting background water quality conditions ects of the proposed Development* on water quality. determine and the
- ਉ of: Development* four times annu issuance seasons) times quality annually of nnually for one year, and two times thereafter, through four years past of the last Certificate of Occupancy samples t O commencement of and flow measurements construction, (wet and the date shall р С least Ω,
- <u>0</u> selected to assist in making an accurate water quality conditions, change in water possible sources of contamination if su is discovered. The nrown about the program and sources of contamination if such as the program and a second sources. is discovered. The program shall clean-up, retrofitting or oth identified on-site problems if federal water quality standards a shall provide procedures for steps to are rate determination of water quality and the if such contamination exceeded. sampling resolve for be
- <u>(d</u> Data sharridentified. be the the The submit proposed Surface/Groundwater Monitoring Program shall EAC EAC, BAC, and shall b itted for approval to the Collected data shall be 9 0 the furnished SWFWMD as part of t l immediately the e SWFWMD, the Cou furnished to the t of the Annual the Annual ly if prob problems County Report County, and
- G.(4)groundwater Pursuant to shall Rule be be 17-28.700, permitted 17-28. on-site נגי Þ a no discharges to
- G (5) maintaining schedule for to submitted to the Developer*, or its de taining the stormwater County and the EAC
- a <u>6</u> extent poss outside the acceptable Stormwater possible, the to management FUER replace ment system desincorporate and jurisdiction. M removed wetlands. design Mitigative utilize shall isolated measures the wetlands maximum may

ישיי יהטמה אמפרבי

- Ï prepare a and a haza Within Order, and and Order, or prior Development*, when the control of t residential shall: a hazardous waste management approved by the County, the then distributed by the Devel one hazardous substances land users whichever occurred County, the EAC, I by the Developer* ers within the DRI. occurs later (including biohazardous waste) it plan which shall be reviewed e EAC, the FDER and the TBRPC, dat building to Ä the residential Of. minimum, this permits for Developer* s be reviewed Development and TBRPC, non
- advise of regulating the appli icable wastes statutes and subs substances; and agency rules

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- waste and applicable which must designated specially (o£ the volumes hazardous under indicate the types, sources and substances that are considered statutes and agency rules to be had 끄 to be of i disposed or containers; stored 0
- methods sal apoi di improper generally 0
- disposal methods generally appropriate describe 0
- ted ardou consul hazard o<u>f</u> pe sposal can which and agencies handling the proper οĘ ist provide a regarding t substances; 0
- the o£ tenants and owners plan; inform in the I a program to ion contained lescribe nformati ਾਹ -ਜ 0
- waste hazardous for requirements construction areas; describe storage 0
- and methods cleanup spill describe typical 0
- tenant be updated and distributed to each non-residential annually 0
- at generate hazardous waste waste exchanges and other of the extent possible and each ant possible included in that equired to utilize w recycling methods to Commons tenants required University appropriate feasible. A ģ should 2
- it businesses survey which nesses where those or shall inual Report.

 nual Report.

 ne Developer*, in cooperation with the term.

 ithin the Development* shall develop an ongoing survey with the Development shall develop an ongoing survey.

 ithin the Development shall develop an of the disposition disp stored, handled, and keep substances and wast included in the Ann within the De will locate ardons The haz m
- pe any shall, and by the County, the EAC, as agencies with jurisdiction. waste biohazardous the County, οĘ agency or approved incineration unless federal on-site permitted state or f NO (4)

Energy:

- the orida serve by Flo available to will be provided ы С service Adequate electrical service Development*. Electrical serv: Power & Light Corporation. (1)
- Development* the following the All tenants, businesses, residents, etc. of the shall be notified in writing upon occupancy that energy-related practices are encouraged: (2)1-1
- esource 1, where on, **_-**-H solar energy, and cogenerat , such as recovery such energy alternatives, waste heat feasible; and economically recovery nse 0
- 5 r: FOD energy provided by audits pr ار ال obtain energy Ċ
- 0 13 a t heaters water set and lower; timers or water heater Fahrenheit o water install degrees O
- heat Common cion to reduce University Cor orientation to all for and building easible, landscaping where fe gain, where construction; nse 0
- buyers employees, as appropriate; þ conservation public, energy c promote e suppliers 0
- air conditioning non-business hours -1 during al of levels of operation, and lighting systems reduce levels c heating, and lig as appropriate;

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- 0 institut O and utilize recycling programs;
- 0 materials; utilize energy s; and Œ fficient packaging and/or recyclable
- 0 install total cost effective energy systems မ္မ large facilities when

Housing:

- J. (1) to, The units and adapted for Developer* (with a varying number o) use yyd, the e, on an as-needed bas of bedrooms) which are handicapped. basis is, living accessible
- <u>u</u> (2) marketing e Ht residents. ۳. strongly efforts, promote s of the projec encouraged project's broad that anticipated range the 0 f Developer* services mix of in its to meet retired
- <u>-</u> (3) affordable for afforda but with the understanding that the Developer* commencing development of Phase II, reassess affordable housing in the Development's* Transponders* in accordance with the DCA's methodo the than applicable Affordable Housing n offset by the transportation Developer* affordable offset Manatee housing has sing analysis which housing generated | completed County Study was impact ing generated availability study methodology udy area of the Development*. The reviewed and approved by the DONAL THE DEVELOPMENT. Ø Chapter 380, Florida ich demonstrated that уф the Development* H. Transportation methodology ar n effect at that the supply of cion Impact that Statutes any n L time need, more
- <u>ч</u> (4) One Development* shall be housing for older Section 760.29(4), Florida Statutes. hundred percent of the residential persons component S defined Off. the in

Economics:

- ×. (1) the 0 vested cess infrastructure potentially serve ! Developer's* development risk and rights e capacity
 Phase II o for II of the Development*
 shall not constitute a Phase constructed by H H Ø shall Developer* basis . be for **11**
- ス (2) The nondiscriminatory employment Chapter 187, Florida Statutes, minority-owned Development* shall business promote start-up, and opportunities, and the FRCRPP. entrepreneurship and and pursuant encourage rsuant to small

Wastewater:

capacity sat issuance of a Compliance : Certificate wastewater the Develor subject (Phase II det Of C portion of Phase II, dev with development of the future determinations as Manatee County concurrency re the time of the Developer's* Level of Service Compliance, បា The Development period Phase II determinations shall Development* and t event County H, C ent Order. satisfies Of wastewater capacit ೧೪ that 1 of t no for ք five determination by the County that the tewater capacity to accommodate the the subphase thereof to be developed. has sfies all of the underlying requirements of Level Certificato the wastewater ne Development*, or (5) determined This that ewater capacity development of S D years accommodate be made balance CO said determination requirements, or those in effect s* application for a Certificate e, whichever is more stringent. or wastewater from r any d capacity is being rom the effection that in accordance Of , or f subphase issued ho is only available for a such portion may proceed, Phase II being subject to ter capacity availability. neveropers. I there and requirements exists with ቲኸe reservation thereof, the 0f date there commencement thereof, is there exists impacts of reserved aodi Aquios motes 'toes the current in effect at impacts of Such Phase Phase of Service adequate O.F which this Н for for of Offi f In to

- 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 the County utilizing a owned and operated by the e to each phase or be provided by the r Treatment Plant owner Wastewater service Development* shall Regional Wastewater (5)ij
- pnase or permitted the Development* stations practices lift engineering subphase within th Sewer L. (3)
- unty for review be provided to e of wastewater consist of the ons shall be designed using ses and submitted to the County ral means of backup shall be p ipment failure and discharge of These back-up devices shall con oroval. Several me against equipment to the environment. approval following: ensure and
- receptacle on the panel box. 35 HP (or generator Lift stations with auxiliary generator (a
- sclude an transfer include remote motors shall t with remot set er than 35 HP generator se with greater stationary ge capability Stations von-site s <u>(P</u>
- contain sewage line surcharges/overflows to Wet wells <u></u>
- trucks Emergency by-pass pumpouts for tank (g
- equipment. 100 percent redundancy in lift station pumping (e)

requirements exceed these option, may its at Developer*,

- ts or ruptures of the beveloper*. The plan ate the entity, 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 inspections, re L. (4)
- comply with No. 91-39) tem shall (Ordinance the sewer system se Ordinance (Ord into the l of waste into County Sewer I ment #4). The disposal of w the Manatee Count (See Attachment # L. (5
- treatment. The Developer* shall not utilize on-site wastewater L. (6)
- 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 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. L. (7)

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

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 Compliance tor
Certificates with the filing of an application by the Dof Phase II of the Development*, or a combinect to a determination by the Combinet to be a determination by the Combinet to be a determination by the Combinet to be a determination by the determination availability subphase issued by thereof, w which

- M.(2)The Developer*
 operation of and
 in accomp any onshall the site bе oe responsible te wells. These SWFWMD rules a These and for we e lls shall be regulations the maintenance əď operated and
- (3) ADA* Act ADA* shall installed in Section conservation fixtures and measures be required. 1 accordance w 1 553.14, Flori nce with the Florida Statutes Water saving h the Florida Water devices referenced Conservation shall be
- (4) The Developer* hydrants not de er* shall dedicated maintain County all water lines and fire
- M. (5) 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 onsite wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes. available, Developer* use only nonpotable shall, CO the water to meet extent nonpotable nonpotable water der, "nonpotable"
- M. (6) Adequate for which agency other regulations within the which which fire protection is required shall n the Development's* water supply system. mandatory ondition shall mean the cions of the Manatee Count mandatory regulations of with jurisdiction over th this any rederate, his Development* Comprehensive ny federal, st restrictive state every building be maintained "Adequate" Plan, or cate or lo _applicable building or any local for
- M. (7) of resources the Developer* in the shall ij n regard comply with the egard to prote Tampa th the rules and protection of a Bay Water Use the Caut recommendations groundwater Area
- Prior to any Development conceptual m plan provide source/discharge provided approval Inspections Department: shall Fire lines an adequate sines and fire per the requi an γď n adequate source of wars and fire protection er the requirements of the Marshall, and the page 1 show the master by the submi Review serve points. w Committee,
 c plan for w w Committee, the applicant extent the The water 0 fi water Development* in water line shall the water lines that s marmitting water the Comprehensive F Planning, Permitt water to 1 shall be applicant and fire to the Manatee the re protection for specified including Development*. Plan, looped shall on master County l be all and and t 0
- (a) The land provided as esu necessary and dwell for units per residenti Ù gross al use acre shall Ф Д
- 9 Corresponding gallons per m minute with shall the land e D nd uses, provided 0 D fire re flow ra rates Λq the in

Comprehensive Plan and the Fire Marshall.

Ø needs the applicant's the minimum shall these £, ---to provide developmen At time of de responsibility ๋

Solid Waste

- period of five (5) years from the effective date of this 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 availablity. s solic for adequate Phase I c reserved determination and reference determined that there exists to accommodate the impacts of id that said capacity is being (5) years from the effective and has waste capacity Development* a
- acycling on this and report restigate appropriate construction and repo investi nt will inv and after applicant n during an Annual Report The a both
- the g operations
 site to meet material applicant investigate mulching of the trees land clearing operati cover do and retained landscaping then be the გ 8 that removed for could gly suggested (see associated will be remo needs 11 be mulch construction. the Developer's* It is strongly possibilities as brush that wil that wir commence. 3 z.

Education

ordinance for Manatee County ወ feethe an impact and when t improvements, if and with complyshall adopts The Developer* sheducation system School Board adop 0.(1)

Recreation and Open Space

- dedicated to ре shall space areas agencies s space O H and open agency or recreation r any other the Developer*. or County OII the ζq J Ω,
- Manatee County concerning parks ppen space areas sites. Designated recreation and open space areas of be changed from such uses unless approved by the in accordance with the Comprehensive Plan and the Land >ect to provisions
 recreation and o
 such uses unless The with The Developer* shall comply Comprehensive Plan with respect or park sites. Designated reconshall not be changed from such Code Development shall not County, 7 Ωı,
- in of the Development* Site Plans ment Code. Development ace components of the Preliminary and Final e County Land Develop County space Manatee on the open The be designated ine recreation and shall be desimi with accordance m Д
- 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 and located to Development*. (4) . Д

Police, Fire and Health Care

- Ö 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. acceptable shall be re use if and the ü 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. Development* County thereof.
- Ö (2) police protecti Development*. The with applicable services necessa The subphase Manatee protection thereof. necessary County The County Developer* ct O Sheriff's Ç Ordinances, in any expansion serve the Development* or any each shall Office phase l participate, shall 9 ll provide subphase accordance ion of such phase typical of the the
- Ö 3.012 The Development exceed applicab Þ icable വ * shall shall be designed provisions of the and Stat constru te Fire ructed: re Code <u>.</u> 6 Rule ' . or
- Ö (4) regarding required. The commi itments of health of th the Developer*
 for resident , 80 discussed shall be in the ADA* specifically

Air

- Ø. (L) Phase II, Vertical 1 those subphase determination any adopted by subphase thereof, will be represent the phase of the phase of the contract of Phase by the λΩ the County, II of the FDER, whichever using Development* current are more y impacts caused le mitigated prior le development of ar FDER 18 subject to I restrictive, 9 γd
- procedures pages 13.1, Developer* and 14.2 shall air e and implement emissions co 14.3 of the the control the ADA*. the fugitive measures dust set abatement forth g

Floodplains/Disaster Preparedness

- S (1) all the and order elevations for habitabase flood elevation federal minimize requirements. habitable potential ntial property damage able structures shall and in accordance wi with рe from local, at flooding, 9 above state
- S 2 (Assistance coordinated the American vulnerable to flooding and that would include This coordination would include partial "host facility" in the assistance of patients that the American لايزلات event regarding this mat through the Chief of a Red Cross.) ָּרְעָתֵּיִ הַעָּתִיּ T. 3 DECAMP TOTAL matter should be obtained a of the Manatee County Chapter the would be required to ੀ spital the would requ possibility of bearnorary sheltering J. require evacuation. evacuate willcin are being and r of and b

General Conditions

In the event which would Development* be ap is lo within tha 'n applicable located, tin Regional ற Regional then Activity t O Activity the the area in provisions Centers sha Center cons governing shall, =" B. designated

t the requirement for an Provided, however, that reduce the requirements cable, adopted rules of applicable, option of the Developer*, apply without amendment to this Development Order. Presuch designation shall not operate to re Order below Development Or TBRPC this the of

(5)

- 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 any be 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 Board of County is to be considered and review of a Commissioners hearing wherein such report is to bor reviewed; provided, however, that receipt and such report by the Board of County Commissioners considered as a substitute, modification or choosidered, or any terms or conditions of this
- the phasing II. or the year; development,
 e ADA*, or in t
 the next year; plan or red in the Any changes in the plan representation contained for the renovtition reporting year ſΰ

this Development

following

the

contain

shall

Report

Annual

Order.

such report l considered a conditions,

- and activity proposed development the year; comparison of conducted for A summary actually c Ď,
- al single entity or individual separate ent Ø than ๗ t C other sold t land, e been Undeveloped tracts of l family lots, that have developer; O
- purchased, cent to the issued; adjacent Orđer was lands Order Developer* the Development of nse intended the þγ site since tion and optioned Identification ginal DRI or leased ď
- DRI Development Order and the contained in the Application for and which have been identified by or the DCA and being significant; local the and Developer's* the government's compliance Approval* the of assessment ij commitments Development County, contained the An Ψ
- Development 1 Deviation ing year and ing lests for a Substantial were filed in the reportinthe next Any known incremental D Approval* or requests determination that were filed during to 44
- rernment * since any, in local gov of the Development sned. " An indication of a change, if jurisdiction for any portion the Development Order was iss Ø
- Ø nd federal permit pending by agency pose of each; purpose and are local, state d or which ar and A list of significant local, which have been obtained or wh type of permit, permit number
- by the Florida the ď an O. ų O the adoption modification .06(14)(d), recorded the m the subsequent Order that was 380 ΟĘ Subsection Notice recorded er for the けっ Juder for Development Developer* pursuant to Statutes; any Οŧ copy
- of the .06(15) 380 opi(Subsections ğ have l with conformance persons Statutes; A statement that all Annual Report in con: and (18), Florida St

- ァ within at ement the Development* of the number Of, school age children residing
- <u>ب</u> UD evelopment Of. the * within ages n the of recording the residents period moving into the
- Ħ of Housing and Urban Development guidelines; Information units constr constructed relative to the g the actual prices then current Dep (HUD) affordable and rents 0f Department housing housing
- Ħ Reports B.(6), F Section and/or <u>.</u> information pursuant to (3)(d.), H.(2), H.(3), to L. (4) conditions and N. (2) o Off;
- ω through su Statutes, Code. generated by building permits, Annual Report and on-site obsthe terms and conditions of the through such means as are auth Statutes, and through the Ma designee, gnee, shall be ensuring its Manatee nec shall be responsible for monitoring the Decing its compliance with this Development essary for monitoring the Development*

 1 by building permits, certificates of occu County ons of this Dev Planning observations. Manatee with this Development Order. Th Director Development County by Chapter The Land Order occupancy, enforcement 380, Florida Development authorized shall shall the The of f
- Statutes, affect th promulgated pursuant Development*, said el provision in this Dev The Devel Florida S that extent Developer* ida Statute this the 403 Development atutes, to be 03 and 373, F provisions has ant to these statutes are d election shall apply, n Development Order to the elected, the Florida Order ced, pursuant bound by the determination Of a Statutes, in is issued. Ac Section 380.06(5)(c), Flor rmination as to which rus statutes are applicable to shall apply, notwithstanding rules adopted pursuan les, in effect at the to Section Accordingly, contrary 380.06(5)(c) Florida rules the ime
- Phase by Manatee impacts caused by mitigated prior to vertice mitigated prior, and that metabase thereof, and that metabase in parks and interest in the case of t mass transit, par solid waste capaci II, development of of the balance determinations as S S and Phase to th requirements application transportation capacity for Phase II shall be accordance with the current Manatee County and/or County concurrency requirements, or those which are at the time of application for a Certificate of is more string transportation accordance water, adequate County. Service, analysis of the right to d waste capacity solid mass ments or those which are in effection for a Certificate of Level of stringent. The determination as conditions The to In the whichever the waste capacity needed to serve ruase I when such impacts meet such impacts of Phase II when such impacts determination as to the adequacy of wastewater, transit, parks and recreation facilities, drainage transit, parks and recreation facilities made in tor To with conceptually parks f transportation impacts. Sarasota County shall to review such Phase II transportation analysis to the transportation impact on Sarasota S Development* event those capacity the curi o vertical development and that transpossions ty is only available for a portion of Pisuch portion may proceed, with development of Phase II being subject to futo such capacity availability. found that transportation, wastewater and recreation facilities, drain needed to serve Phase II is or impacts of Phase II when such that city for any : se II recreation facilities, more: approved subject to a detern ny significantly adverse air within any subphase specifically approved n the Development Orc Manatee ingent, effect of E Service, County wastewater wastewater, J J Phase thereof WP11 drainage the adequacy development to future concurrency whichever dequacy of made in erminat : Sarasota in effect Level S U subject quality water, age and water, age and or t he any ion

unless and until the Comprehensive Plan the Future Land Un oval shall until the the Use ll prohibit construction of the Hosp he Developer* applies for and is grant Amendment for the hospital site, char se Map ("FLUM") to Public/SemiPublic e Hospital granted a changing 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 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 phase and components Order ll not require an amendm p H. The Development* vith the land use compo-the DRI Development Ord Map H. e with ij accordance approved

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

- 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 indiversity parkway. The earthen berm shall be located OR aesthetically equal by the Director Department can be approved and Inspections An shall increashall shall beight and shall vegetation to provide a visual and University Parkway. Are and University Parkway. Are a poprove an and Inspection U. (L)
- t a The University Parkway. The tting and Inspections o approve an alternative that to S superior oriented approve o or sur of the Planning, Permitting shall have the authority to approably is aesthetically equal to or рe shall faces and Business Center facade or front building front Director of Department sh design which o£ requirement. Hotel 2
- authority ally equal to position ty of these Planning aesthetically and Business Center shall be designed to eas on the north side to avoid visibility University Parkway. The Director of the shall have the 0) --| alternative design which The noccaspareas on the noccaspareas from University Parkway. The Diament areas from Inspections Department to this rove an a superior
- front of setback from any in front e visible f alla and/or compactors shall not be located meet Freimmingry units shall not be facility. Specific l shall units these Dumpseer, and che requirements. These un collector or arterial factor stage. Plan U. (4)
- J Tuttle prevent part each phase, along Plan Road and University Parkway to pt for access permitted as pate Plan approval for each phases the General Development Plan easement Developer shall create a negative easone, Lockwood Ridge Road and University except with S Preliminary or Final shall be consistent Avenue, Lockwood k vehicular access, Avenue . (5
 - euestrian/bike path plan shall be submitted for approval with each phase. The pedestrian and bike provide linkages between the various land uses site as well as provide for linkage to eviting innal average. er pedestrian/bike and approxim se as well systems. external shall m master A maste review paths s within future uture 9

Page 22 - Z-89-46(C) - University Commons

- ₽. (7) water and wastewater service and water and sanitary sewer systems. A pre-design Construction pre-design conference Drawings to will discuss <u>ө</u> and cuss points of and the configu ts of connect configuration to submittal of OI for
- ₽. (8) upgrading of offsite facilities are necessar construction plan submittal for potable water, so or fire protection. Oversizing of facilities may with possible participation by Manatee County necessary r determining ssary prior , sanitary sew Б Б necessary sewer
- ₽. (9) The golf coinconsistent General Devel Commissioners use n Plan nust be con and the Development oners in a p course t with this application unless and elopment Plan is amended by the Board rs in a public hearing. Any amendment toonsistent with the Manatee County Core Manatee County Land Development Code shall not a d developed Board of Co H. c to this land Comprehensive any until County manner
- a (10) The order g the land uses general (Ord 92-92-31) approved on levelopment this site plan and w e are limited as described within the DRI development
- J. (11)possible in the buffering beyond buffering beyond eastern located existing adjacent to parcel will ut to that landscape tree e dd the required incorporated to t scape buffer to p required by the Ma stands (e (exclusive provide Manatee (the Of boundary e maximum citrus County additional of the extent
- (12)The to the following minimum setbacks land uses within this development and maximum heights shall

| | | 40/3 | cial 40' | Facility 40' | 40,1,3 | ed Nursing Facility 45' | 45, | ity 30' | 25' | Land Use Front Side Rear |
|------|-----------|-----------|-----------|--------------|--------------------------|-------------------------|-----------|--------------|-----------|--------------------------|
| 0/4 | 0,0 | ,02 | , 03 | 20' | 0/1 | , 09 | , 09 | 201 | 10' | ide |
| 50/4 | 25′ | 25′ | 25′ | 25' | 25′1 | 60' | 60′ | 30′ | 25′ | Rear |
| | 3 stories | 3 stories | 3 stories | 3 stories | 7 stories ^{1,2} | 3 stories | 3 stories | 6 stories1,2 | 2 stories | Height |

property Buildings b e boundar Set in excess back ρ Off minimum stories, nimum of inclusive 200 feet 200 of pa parking levels all external

Inclusive of parking.

foot front setback required from any local street

¹³ adjacent Maintenance orage residentially areas facilities shall maintain zoned and properties associated Ø 200 foot erial rial and setback vehicular from all

Ξ. (13) The Ξ CTIC COOR SROTE area тяпэр ratio ה רעלם ה ロシンののこ ቤ ት unii C Per acre ز. ر

 $[\]Box$ (14)Kitchens the perso chens are not personal care contain a con care ot allowed as part of the are facilities, however, compact refrigerator, sin ink each individual living and O H microwave these living units in oven

a in Development Or future amenda Comprehensive otherwise amendments Order 9 expressly of the DRI, the Developer* shal stated in this shall ordinance comply Code and with or all the the

- Avenue, and Manatee County shall begin negotiations leading nt regarding the realignment of Tuttle Avenue, h the Letter of Intent presented to the Board of Q O date approval days of the Lie realignment creter of Intent press | Manacc regarding the Commissioners, to an agreement consistent Developer* ordinance. County U. (16)
- AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official te County, Ordinance No. 90-01, the Manatee County Land hereby amended by changing the zoning district property identified in Section 4 herein from A-11, 1 du/acre) and A-1/ST (Suburban Agricultural, 1 treatment Overlay District) to PD/MU (Planned), and the Clerk of the Circuit Court, as Clerk to the issioners, as well as the Planning, Permitting and:, are hereby instructed to cause such amendment to the Section 3. AMENDMENT OF THE OFFICIAL ZON Zoning Atlas of Manatee County, Ordinance No. 90-01 Development Code, is hereby amended by changinglassification of the property identified in Sec (Suburban Agricultural, 1 du/acre) and A-1/ST (Suburban Of County Commissioners, as well as the Inspections Department, are hereby instructed to casaid Official Zoning Atlas.

LEGAL DESCRIPTION 4 Section

Attachment #5

EFFECTIVE DATE. This ordinance shall take effect receipt of the official acknowledgment from the Office State, State of Florida, that same has been filed with immediately upon the of the Secretary of that office. ري ري Section

o. Commissioners County of C 1992. Board June, the day of ρλ ADOPTED, 1 the 3rd on DULY AND DUI Florida PASSED County, Manatee

COMMISSIONERS Y, FLORIDA COUNTY, COUNTY OF MANATEE OF BOARD

BY: Educard W. Chama

ATTEST:

Court Circuit the SHORE of the erk ~ 다

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ORDINANCE 92-31 (FKA 91-67)

TLED BY COMMONS
SRPC DRI RS OF ORDER ENDERING A DEVELOPMENT ORD 6, FLORIDA STATUTES, ON F APPROVAL* (ADA-1) UNIVERSITY COM PROVIDING AND ALSO : IMPACT, ALSC
SEVERABILITY; FLORIDA, RENDERING TION 380.06, FLORI FOR L.P., I FOR DEVELOPMENT BOARD DEVELOPMENT COMMONS, I
DEVELOPMENT OF REGIONAL
#190; PROVIDING FOR STREET COUNTY, FLORII OF. EFFECTIVE DATE ORDINANCE APPLICATION UNIVERSITY PURSUANT

ssioner Commis of 7 vote þλ Commissioner Hooper, seconded of ordinance was adopted by a Upon motion by Cost, the following Harris,

of County 06, Florida Developer* 9; July 19, 1988, University Commons, L.P., "Developer*", filed an Application a Development of Regional Impact unty ("County") Board of County 380.06, the Dev 1989; J pursuant to the provisions of Section 380 additional information submittals by the 1989; August 21, 1989; December 29, 198 amber 19, 1990; and of a De County 28, the of Manatee rred to as Approval* WHEREAS, on December nafter referred to as 23, 1989; December Development April 1") with the and Commissioners hereinafter ("DRI") Statute dated :066 for

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

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

governing rsuant to t 0 n pursuant d empowered Approval* f the Commissioners as t ving jurisdiction is authorized and Development for REAS, the Board of County Comm the local government having 380.06, Florida Statutes, is an and Applications Impact; Regional approve οĘ WHEREAS, and consider and Developments οĘ body of Section

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

received and Bay Regional Tampa has f County Commissioners recommendation of the 1 and ("TBRPC"); o. considered the report and Planning Council ("TBRPC" the Board WHEREAS, tidered the

e County 4/23/92, the and has solicited, comments, evidence Permitting and Inspections Department ПO and Manatee WHEREAS, the Board of County Commissioners of Manatee on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 2/27/92, 4 5/28/92 and 06/03/92 held duly noticed public hearings Application for Development Approval* (ADA*) and has sol received and considered all testimony reports, comments, e and recommendations from interested citizens, County are and the review დ დ well a S recommendations from incies, and the applicant, agencies, a the Manatee

and County requirements of Manatee adhered been have all public notice Florida Statutes, 1 WHEREAS, 380, Chapter

COUNTY MEETING Ğ BOARD A REGULAR FOLLOWS: \mathtt{THE} IN COUNTY, FLORIDA JUNE, 1992, AS ORDAINED OF MANATEE (日田 THEREFORE THIS COMMISSIONERS ASSEMBLED NOM

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SECTION 1. FINDINGS OF FACT

testimony, evid the Official Approval*, the Commission, as a the public hea following findi public near Board oard of Co evidence, c ial Zoning the the as well as hearing l oning Atlas, the application for recommendation and findings of the llas all other matters presented to sing hereinafter referenced, hereb County documentation, applicat fact after tion :ion hereby Ηħ considering 2 the said Board at amendment of Development makes Planning the

- \triangleright The Board of (
 the report
 Development*
 Section 8 of t
 Development 1 rendered (O Hi this Development Order a Approval*, in addition f the Official Zoning County S <u>+</u> 9 Commissioners has receive Planning Commission elates Planning conthe al Zoning following real property described : r and in the Application real Atlas. public the application
 The report report considered SPA the for for Ħ
- 'n on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 2/27/92, 4/23/5/28/92 and 06/03/92 regarding the said DRI and the propo Official Zoning Atlas Amendment, in accordance with requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code), and Ordinance No. 89 (The Manatee County Comprehensive Plan) and has further Public Hearings. ce with the 90-01 (The nas further received at hearing: 4/23/92 89-01
- Ω accordance with the Developer*
 Section 5 and the Developer*
 6 of this Development Order. The Development* requirements of Manatee County Co Comprehensive Plan), provided it proceeds in the Development Conditions specified in he Developer* Commitments specified in Section р. С found to þe consistent ťЪ the
- A Development Appridentified above, Hereinafter, the the Sufficiency submitted f Development "Developer* for above, r, the Of Approval* ("ADA"), and Sufficiency Responses

 ove, which are incorporated herein by reference
 the word "Application" shall mean the ADA* ====

 incy Responses files a project Regional] W Responses Impact to filed e d known and S D other University exhibit Responses Commons Ø and for
- 긔 The :
 the
 this real Development Development property Order Order. which ր. Ծ <u>ო</u>legally the subject described O H Application in Section (ion ∞ and of
- ᅺ The pr Critica 380.05 proposed ical Stat Florida State Development Concern, Statutes. S * is not l designate loca ed ated in pursuant an 0 Area Sect G OH H Of.
- Q The ac Gardener, re Main Street, Sui Main Street, Sui Main Street, Sui Florida President, Florida Landet, Suite 910, Sarasota, J Manager, Gi 33630-3416 Land Developer* Inc. Ħ Use Use Analysis Corp., 1605 34246 and Mr. Randy Coen, .., Post Office Box 31646, are James L605
- 17 The owner Commons, OWNER 다. 면 Ci Eh כיוני 'Aqredord מדורי מ edi Developer* Ω Ή-Unive ersicy
- \mathbf{H} 0 0 2 Development* comprehensive relopment* has County e review of the impact generated s been conducted by the appropriate dependent the Planning Commission, and the TBRI Off TBRPC. the

SECTION 2. CONCLUSIONS OF LAW:

 \supset Based upon the Conditions of Commissioners 0f the ne previous fi f Development of Manatee Cc findings County Approval* concluded O Th th Q th Tot he that and and the Board of of Llowing County

SECTION 1. FINDINGS OF FACT:

amendment of Development the Planning said Board at by makes the for amendment considering the hereby for t O and findings of atters presented to referenced, here Commissioners, arreamentation application Zoning Atlas, the app e recommendation and fi well as all other matters documentation, hereinafter of fact: County evidence, a hearing οĘ findings the testimony, evid the Official ; Approval*, the Commission, as w Board public following the

- in for for considered anning Commission concerning the state to the real property described in ment Order and in the Application for addition to the application for ial Zoning Atlas. The report was following public hearing. and received has Commissioners le Planning The Board of County Commissioner the report of the Planning Development* as it relates to the Section 8 of this Development Organization 4 Approval*, in additional of the Planning Section 8 of the Poproval*, in additional of the Poproval*. al*, in a Official 1992, Approval¹ f the Of m June οÉ ü amendment rendered
- proposed with the further hearings 4/23/92, 89-01 (The information received 90-01 No. public/27/92, and the has rements of Manatee County Ordinance No. 90 se County Land Development Code), and Ordinance Manatee County Comprehensive Plan) and has lered the testimony, comments and information re accordance and held 1, 2/ That said Board of County Commissioners held on 06/26/91, 08/29/91, 10/31/91, 12/12/91, 5/28/92 and 06/03/92 regarding the said DRI Official Zoning Atlas Amendment, in accorequirements of Manatee County Ordinance considered the testin the Public Hearings. Manatee (The Ш
- the (The s in in in Section The Development* is found to be consistent with trequirements of Manatee County Ordinance No. 89-01 (Tequirements Comprehensive Plan), provided it proceeds accordance with the Development Conditions specified specified Commitments the Developer* Order accordance with the Section 5 and the Deve 6 of this Development U
- ation for Responses and duly reference. he ADA* and Application exhibits University ity an Applio Sufficiency Development Approval* ("ADA"), and Sufficiency identified above, which are incorporated herein by Hereinafter, the word "Application" shall mean the Sufficiency Responses filed and other exh submitted for a project to be known as Universi County the Impact. t C submitted Regional "Developer" οĘ Development Ω
- and of Application Section ü the described of subject legally the which is ال. Order. Order real property this Development **Development** The the (1)
- Area of Section to ลฎ ated in a pursuant Catt is not designated დ დ Development* Statutes Concern, The proposed De Critical State 380.05, Florida Florida بتا
- James W. rp., 1605 Coen, the Developer are la Land Use Analysis Corp., sota, FL 34246 and Mr. Randy Sarasota, FL 34. Florida for 33630-3416 rized agents 1 President, Fl t, Suite 910, Street, Suite 910, or Project Manager, Florida authori Gardener, Senior Tampa, Main O
- Universi -1 S and the Developer* property, the r. C. h. L. D. CWITCH Commons,
- aced by the e departments TBRPC pact generated appropriate depon, and the TBRP impact the appr e review of the impacs been conducted by the apt the Planning Commission, comprehensive revelopment* has been County, evelopment f the Coun Н

SECTION 2. CONCLUSIONS OF LAW:

following of County o£ and the Board that the fact concluded findings of nt Approval*, of. County Development previous Manatee О Н upon the Based upon the Conditions of Commissioners of Þ

THE TOTAL PROPERTY OF THE STATE OF THE STATE

SALE ID SEAL OF STATE

- n the Land with State interfere Adopted unreasonably the the 당 ů e objectives applicable to not will theof th Plan Development* Development achievement
- s consistent with the local land ons and is consistent with the State the TBRPC's Future of the Region, A mal Policy Plan, and The Manatee amended ಭ ಬ 89-01 Ordinance Comprehensive Plan, The Development* is converled the development regulations Comprehensive Plan, the Comprehensive Regional County O
- Development recommenda this report and 1991. ζq us conditioned with the report on April ე დ opment*, a consistent Development* issued נט of TBRPC Order, The m
- lant to tord in tonduct to conduc pursuant record and based upon the r* is authorized t the conducted forth below. t C * is aut subject dulyand regulations, and peen herein, set imitations have proceedings, the Doment as described proceedings law and rem and ions development That these applicable these proce ct: restri Щ
- 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 Shall prevail. $\vec{\mathbf{v}}$

DEVELOPMENT COMPONENTS: SECTION

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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 the conditions found within the Development Order, determination by Manatee Country that any slightificantly adverse air quality impacts caused by Phase II or any subphase thereof, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage 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 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 accordance with the current Manatee County and/or Sarasota the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Stratues, pertaining to the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Stratues, pertaining to the vanit that transportation impacts. Water, mass transit, parks and recreation facilities, drainage and solid waste capacity is only available for a portion of Phase II, development of Euch portion may proceed, with development of the halance of Phase II beling subher to future ion of Phase development to future being subject availability. capacity such to ro co the balance erminations as

DEVELOPMENT* LAND AREA AND USES

TABLE

| (Hospital) | HOSPITAL | | GENERAL OFFICE | GOLF COURSE | (Office) | SUPPORT OFFICE | and Out Patient) | (Total of Medical Office | (Office) | MED CENTER | (Office) | OUT PATIENT | (Office) | MED. OFFICE | (Retail) | COMMERCIAL? | (Hotel) | HOTEL | (Service) | SN | (Residential) | S | (Residential) | F | | | Land Use | Column A | |
|------------|----------|-----------------------|------------------|---------------|----------|----------------|------------------|--------------------------|----------|-------------------------|----------|-----------------------|----------|------------------------|----------|-----------------|---------|-----------|-----------|------------|---------------|------------|---------------|---------|---------|-----------|-------------|----------|--|
| | I | 4. | 27.140 sa. ft | I golf course | į | 45,000 sq. ft. | | ö | | 110,000 sq. ft. | | 24,000 sq. ft. | | 86,000 sq. ft. | | 305,000 sq. ft. | | 240 rooms | | 120 beds | | 160 lus | | 484 ius | | 1992-1997 | Phase I | Column B | |
| | I | * c,007 aq. 11 | 176 664 sn fi | 1 | | I | | | | 34,000 sq. ft. | | 24,000 sq. ft. | | 10,000 sq. ft. | • | 10,000 sq. ft. | | 1 | | 120 beda | | 80 Jus | | 242 lus | | 1998-2002 | Phase II | Column C | |
| | ***** | too joon and. in | 707 804 en A | I golf course | | 45,000 sq.ft. | | | | 144,000 sq.ft. | | 48,000 sq.ft. | • | 96,000 sq.ft. | • | 315,000 sq.ft. | | 1 | | ŀ | | ***** | | I | | Z. | Total Sq. | Column D | |
| | ····· | 494 | | 1 | | I | | | | 1 | | I | | ***** | | • | | 240 rooms | | 240 bcds | | 240 lus | | 726 ius | | | Total Units | Column E | |
| | • | 9.0 | n n | 118.4 | | 4.5 | | | | 25.7 | | 8.5 | | 17.2 | | 33.8 | | 14.8 | | 12.5 | | 10 | | 58 | | | Acres | Column F | |
| | 234 beds | 10,000/230,000 sq.11. | 10 000 03 000 01 | NIA | | NA | | | | 120,000/235,000 sq. ft. | • | 24,000/60,000 sq. ft. | | 96,000/175,000 sq. ft. | | N/A | | N/A | | 0/240 bcds | | 120/320 hs | • | N/A | Maximum | Minimum | Land Use | Column G | |

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

- **|--3** Development*
 Table 1 is equely land use 4 The Developed forth in described Development* , as the analysis in Exhibitent by land use described in is equivalent to, or of less imuse described and addressed in Table in the <u>ာ</u> by land use described in the Land Use 1 deviates from the Development* 2 ADA* (prior to the Final Report of 1 deviates f
 ADA* (prior the Final Exhibit " impact than, the Development in the ADA*. in the l Report of land demonstrates, nd use schedule bу Schedule the land TBRPC), the of ent* use set
- N year extension t buildout dates other changes i revision Table extension to changes ion in ph μ. incorporates phasing בי of Phases I and II of the Development* resulting: 1997 for Phase I and 2002 for Phase II. A phasing will be viewed cumulatively with thing schedule. with this in w

exchanged, with revised General De Land Development (exact land use mexact lan conditions: provided d use that mix the Development Code, Ordin the Board ard of County Commissioners approval, lopment Plan, as required by the Manatee e, Ordinance 90-01, to allow flexibility shown in Columns D and E of Table 1 final Development* meets the fol various uses within the Development* 1 above, following can County in the Of Ьe þ

- a parameters applicable Exchanges O H denoted land uses d in for the the Project* may G of Table سا not above exceed where
- ά The following uses d proposed; Independent Support Office and Go. and Golf designated Living Course Facilit Table ies, 1 shall Hotel, (Commercia
- U The Development* shall pe Oe limited Ö the uses idensified ij

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*.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

| Cohum G Land Use Minimum/ | Materium N/A | 120/320 hus | 0/240 bcds | N/A | N/A | 96,000/175,000 sq. ft. | 24,000/60,000 sq. ft. | 120,000/235,000 sq. ft. | | N/A | N/A | 10,000/250,000 sq.ft. | 234 bods |
|-----------------------------------|---------------------|---------------------|------------|-----------|-----------------|-------------------------|-------------------------|-------------------------|--|-------------------------|---------------|-----------------------|------------------------|
| Column P Acres | 58 | 9 | 12.5 | 14.8 | 33.8 | 17.2 | 8.5 | 25.7 | | 4.5 | 118.4 | 8.6 | ı |
| Column B Total Units | 726 hu | 240 hu | 240 beds | 240 rooms | i | • | l | i | | I | ı | ļ | ı |
| Column D Total Sq. Ft. | I | ŀ | 1 | ı | 315,000 sq.ft. | 96,000 нд. п. | 48,000 aq.ft. | 144,000 sq.f. | | 45,000 sq.ft. | 1 golf course | 203,804 sq. ft. | I |
| Column C Phase II 1998-2002 | 242 hu | 80 hu | 120 beds | ŧ | 10,000 aq. ft. | 10,000 sq. ft. | 24,000 aq. ft. | 34,000 sq. ft. | | i | ı | 176,664 sq. ft. | ** |
| Column B Phase I 1992-1997 | 484 hus | 160 hus | 120 beds | 240 rooms | 305,000 sq. ft. | 86,000 sq. ft. | 24,000 sq. ft. | 110,000 sq. ft. | 8 | 45,000 sq. ft. | l golf course | 27,140 sq. ft. | 1 |
| Column A Land Use | IL (Residential) | PC (Residential) | SN | HOTEL | COMMERCIAL! | MED. OFFICE (Office) | OUT PATIENT (Office) | MED CENTER (Office) | (Total of Medical Office and Out Patient) | SUPPORT OFFICE (Office) | GOLF COURSE | GENERAL OFFICE | HOSPITAL (Hospital) |

designations as categorized by the State in Section 380.0651, Florida Statutes.

- Schedule set by land use f the TBRPC), the Development* demonstrates, of Development* by land use described in the Land Use the in Table 1 deviates from the Development* Isribed in the ADA* (prior to the Final Report of Ever, as the analysis in Exhibit "A" demons described in the land or of less impact than, addressed in the ADA*. or of less addressed land use alent to, c ribed and is equivalent use described however, as the Development* by 1 Table 1 is equival by land use descri forth in described Н
- 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 in phasing schedule. revision

N

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 exact land provided the conditions:

- d the where exceed above, not Н may Table Table Project* G of Tab Ö uses for the denoted land οĘ Exchanges o parameters applicable.
- . remain as Commercial, remain shall 1 shal. Hotel, Table designated in Table It Living Facilities, Course. Golf The following uses de proposed; Independent Support Office and Gol ρ,
- 뒤 ider ified usea the 40 limited рe shall Development* The ť

^{*}Commercial acreage and square footage figures include the existing 250,000 square foot shopping center, which is located

Plan 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. Land Use Comprehensive the Future Lan Oruci granted a Compilation e, changing the Future applies for and is grant for the hospital site, chan M") to Public/Semi-Public Development this ("FLUM") o£ loper* Amendment

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 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 y approved CLOS. nd the time for 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. Comprehensive

status has water, transit, ಥ any o U A subsequent phase will be deemed to nave communed beginning of beginning of phase as shown in Table 1 and/or when the Development* I utilized the capacity set aside for the preceding phase in one of the following: transportation, potable wate wastewater treatment, solid waste disposal, mass transdrainage and parks, and recreation. The Development* stated arainage and parks, and recreation. and parks, and recreation. The monitored by the County Through Service Compliance process. οĘ

information the impacts pacts of the ts of the measured). Ine County County etc.) request shall contain initial County to determine that the impacts mix do not exceed the impacts aced. The impacts will be me the Use upon the relevant factors currently used by EDU tables, solid waste generation factors, ser* shall verify the appropriate factors worior to the submittal of any such Land Us land use mix aceing replaced. enable the Exchange use mix being The Land sufficient to en (e.g., EDU ta Developer* s staff prior based upon request. land

shall be f the land does not 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 and/or particular impacts of he change d and the use mix the revised land a approved traffic im so long as the of the The traffic impacts deemed not to exceed use mix being repla intersect

equivalent This conve methodology 0 conversion hereto determine Developer* alent impacts conversion m 9 in land rsion matrix is to be considered the maximum in land use which will be allowed, however, the provided for in Section 3.A.2.c shall be utilized b Hpart a specific exchange has between provided a of Exhibit land uses which may conversion A, which should be mat further generally ф ф converted attached ly shows limited

of all land us Commissioners Developer* use under shall conversions the immediately notify the procedure taet t forth the above Board and 0f the DCA County

project buil Application departure co mere with to Noti 9 schedule submitted to Notice of C amendments hule (Table the da Statutes, what acceleration of buildout from tion shall be sure constitutes terms 380.06(19) Change of 1), t O from the of phases the Devel which County other the subject ch approval shall not shases if otherwise the Development Order. the phasing schedule a subst Florida land required ect to review to substantial devi than for use Statutes review Уď mix described here: Subsect and deviation pot there is ribed herein, shall approval, pursuant section 380.06(19), determine Any set р departure forth in t withheld pursuant compliance phasing n. shall such the for חלם

which County specific տ Իis consistent Comprehensive Land Use Plan with Exchange the must requirements result H. of a land the use Manatee mix

any The Land Use calendar Land year Exchange may not <u>р</u> exercised more than once מל

SECTION 4. DEFINITIONS:

thi t Deat Ŋ Development ion 4 of the Note An ast Development erisk Order (*) foli following Order that the Ð word word 8 or phrase phrase i i Ò the the text in

- \triangleright "Application University Con Development information su 21, 1989, Dece and technical October 25, 19 and ober 25, 1 April 27, December 29, Commons' al memoranda ar 1991, January 17, 1992 and rev submittals by Approval for Development Devel velopment of Regional Impact Application (December 28, 1988), and addition by the Developer* dated May 23, 1989, Augu 1989, July 19, 1990, and December 19, 199a and supplemental information submitted ary 10, 1992, March 13, 1992, March 18, 19 revised Map H dated October 7, 1991. Approval" of Region (Or "ADA") additional 1989, August 19, 1990, ion for ed on 1992 mean
- M examination of methods de examination of alternative practicable means of redupollution to levro etc.) nonstructural measures would vary he problems, climatypes and conditions approaches wetland to levels could inclu ral (e.g., street vacuuming, deferred gra coaches to abatement of nonpoint source p on a regional and local basis depending on ms, climate, physical characteristics, la (e.g., street vales to abatement include impoundment Practices" of reducing compatible e, physical and other f hoth practices, ducing or atible with determined of agricult (BMP*) factors agricultural ru preventing ţo water shall after bе the most ting nonpoint quality goals mean problem runoff, etc.) and d grazing systems, and rce pollution, and sediment/debris land the ef the nature goals assessment fective method use source Thes ce of and Φ
- <u>.</u> University Commons "Developer" shall Development* mean agents, University and and all successors Commons, essors in H. stipulations inter 'n ést H ន្ត to eirs,
- D. density, phi Development described in "Development" phase H H Order hean Section shall and nd type herein, mean ထ a a the to described i constructed μ Åq the area, 엄 ADA*, and the real square are foota and/or t property this
- H granted "Development through Approval" gh the Prel Preliminary shall mean Site any approval for Plan*, Preliminary develop ppment Final

attached Ly shows maximum be allowed, however, the 3.A.2.c shall be utilized should be further limited. converted generally the matrix, a part of Exhibit A, which general impacts between land uses which may be reasion matrix is to be reasion. be allowed, ho ch will Section conversion in land use which will methodology provided for in Section to determine if a specific exchange conversion Developer* hereto as equivalent This

the DCA οĘ and by the Board forth above. TBRPC the Developer* shall immediately notify ill land use conversions authorized h issioners under the procedure set f Commissioners 딥 The

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.

use mix Manatee land the g y in requirements result must Any specific Land Use Exchange which is consistent with the County Comprehensive Plan.

in once than exercised more not be may Exchange year Land Use calendar any

SECTION 4. DEFINITIONS:

of in he text defined the in t , is phrase or, phrase g word word the r following that Development Order denotes that on 4 of the Development Order. **(*** asterisk nt Order An Note this Dev Section

- 90, on 992 1989, August or "ADA") shall mean Impact Application for 88), and additional ber 19, 199 submitted arch 18, 19 1991 "Application for Development Approval" (or "ADA") sha University Commons' Development of Regional Impact Applicat Development Approval (December 28, 1988), and add information submittals by the Developer* dated May 23, 1989 21, 1989, December 29, 1989, July 19, 1990, and December 19 and technical memoranda and supplemental information submitcober 25, 1991, January 10, 1992, March 13, 1992, March and April 27, 1992 and revised Map H dated October 7, 1993 A,
- systems, tion, and nature of use, soil after problem assessment, to be the most effective and ble means of reducing or prevenced goals. These of the second include both structural (e.g., sediment/debris wetland impoundment of agricultural runoff, etc.) and the second inspoundment of agricultural runoff, etc.) and the second street vacuuming, deferred grazing systems, and the second street vacuuming, deferred grazing systems, and the nature e pollution, on the natural method the nonstructural (e.g., street vacuuming, deferred gretc.) approaches to abatement of nonpoint source would vary on a regional and local basis depending the problems, climate, physical characteristics, types and conditions and other factors. mean preventing shall after "Best Manay......combination of methods determination of alternative practices, examination of alternative practices, means of reducing or with determined Practices" practicable pollution to measures cou basins, \mathbf{m}
- heirs, to the ന ന L.P., its interest as ons sity Commons, L.P., successors in interes and all its stipulati University and r" shall meandesignees, agents, and "Developer" assigns, de University O
 - ~ O footage, /or this and/or pr real square ADA* the area, U O the eg nd uses by cribed in t a land uses described i o pe the as to "Development" shall mean tdensity, phase and type a Development Order herein, described in Section 8. À
- development Plat, Final Preliminary for any approval Plan*, Prelin ite mean Ś Approval" shall n th the Preliminary through Development ranted throu [2]

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drawing required construction are plats or and/ subdivision process o H Plan plans Site site Final where and approval Plat,

- the the for show ed for construct shall which be con to mean a plan components to proposed stormwater management entire project as follows: shall Plan" Drainage "Master Γı
- topography existing Н
- that sting m of direction site, th on site and or. . c of the Development*; e basins, both existing drainage features, bot will affect the drainage concept drainage developed outfall; $^{\circ}$
- shal and which akes facilities, ection of connection a, com lakes; management lakes, these detention for stormwater outfall proposed include: lnclude: eventual m
- property
 applicant the through the that the stormwater. that historically drain ssed, as to the method site Off accommodate addressed, areas Ç shall Fr pe proposes マ
- Preliminary Master 90 (Ordinance Code, Phase ಗ inary Site Plan for a E County Land Development shall mean (or "PSP") or Sub-Phase a Preliminary "Preliminary Site Plan" Site Plan or a Prelimir defined in The Manatee C Phase гď Ö
- ed to be Florida Florida defined SWFWMD, part determined "Post-Development Wetlands" shall mean any lands determin within jurisdictional limits defined by Chapter 17-301, Administrative Code (F.A.C.) and implemented by the Department of Environmental Regulations ("FDER"), or as the <u>д</u> Ю ("FDER"), o .emented by s approved implemented areas project Regulations and F.A.C., and mitigation any other wetland this or 40D-4, Chapter any including a Department within Cha 工
- lving transportation impacts where elopment* shown on a proposed PSP* vals of this project will be five by percentage may be employed from he County) or more of the Level of a is generally deniced. thewith submitted 1у is general "Transportation Impact Area" shall be de segments and intersections receiving transporthe traffic generated by the Development* shin combination with prior approvals of this percent (5%) (or whatever greater percentagine to time by DCA, TBRPC and the County) c Service "D" Peak Hour. This area is genera ("Exhibit B") which was based on data submi Н
- include be deemed to include nonresidential units structure. such "Vertical Development" shall mean and shall l the construction of new residential units and or the reconstruction or addition to any such Ь
- "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 this determination, nent*. Development making the roadway segment of their source in by the source generated trips on _ l regardless of _ he trips (counted not 노
- snaī scarutes, Florida 380, Chapter of Order. definitions contained in Clapply to this Development The dalso

. DEVELOPMENT CONDITIONS: Ŋ SECTION

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al referenced in constructions is applying for and being the County's Comprehensive the County's Comprehensive the hospital is 3 of this Development referenced in Section to the Development* and Development* the hospital other land u Table 1 in Section 3 of the of the hospital reference to the Developer* applying to the FLUM of the County's such which would designate the land upon which a located Public/Semi-Public (2), or such (2), Le listed in Table 1 i Development of the 1 3 is subject to the Development is limited an amendment Luis Approval is schedule listed i Order. Developmer 3.A.2.c is subject granted an amendmeto be 口

infirmity, abnorm makes available diagnostic X-ray surgery of treatment Florida St and as it Developer* beds more diagnosis, services, and Order "hospital" designation intensive for or Hor Statutes. exchange mechanism referenced shall be implemented pursuant c X-ray services, and treatment facilities for obstetrical care, or other definitive medical of similar extent, as defined in Section 395.002(6), treatment, or care abnormality, dise use purposes of is defined as has obtains which general than been eneral nursing care, and or beyond 24 hours by ind tment, or care for illness, implemented pursuant to es of this Development those the reviewed, the said r care for illness, injury, deformity, disease, or pregnancy; and regularly east clinical laboratory services, ices, and treatment facilities for care, or other definitive medical allow ա required for facility which: the hospit amendment d for room, board, personal, and offers facilities and by individuals requiring illness, injury, deformity, or pregnancy; and regularly in Section 3.A.2.c of f t 0 as it Order, "offers this is proposed DRI. If the Development ß. the service the O H

- (2) Preliminary an the basis of d Comprehensive sewer, and to, waste roadway , parks a service, ensive Plan and I and capacity, mass and recreation demonstrated necessary to Final Site the level compliance with T Plan ct el of service for, but not transit, potable water, i facilities, drainage, a serve the Development*. serve approval shall be granted on The Manatee County Code, as water, sanitary inage, and solid not amended limited
- \supset service capaci 5.A.(2) above Development* a reserved capacity (5) years conditions years capacity for Phase I of the for Phase I shall b from the effective contained has and to that ase I determined for the accommodate the said capacity for the of the Development*. shall be reserved for herein, concurrency that date there with O H impacts exists this items or a period of five s Development Ordan Of adequate l listed in Development impacts are Phase Н level Section O.f. Order rel of being the
- \triangleright years and all po Phase (5) ye approval I, c 0 effective Developer* I must any s from the date of portions of Phase n approval of this De oper* shall submit a Preliminary Site subphase thereof, within twenty four live date of this Development Order. st have Preliminary Site Plan* approximately. Development f Phase : E approval ten Order. (10)have O.H or this Development (
 ave Preliminary and F
 years from +1 order. All four Plan* (24)4) months of portions of within five opment Order for date

Transportation

- B. (1) The Develop following a transportati Developer*, alternatives not impacts. t D 7 1 1 1 C option, mitigate shall the select project's one Phase 0f the
- (a) Option 1

equal construction permits for be issued for Flase I. Without Phase I of commitments intersection or funding greater from responsible n improvements, or the capacity, 1 Development* ments for these improvements Vertical Development* shall no or alter e entities for the roadway and or alternative improvements of , listed in Tables 2 and 3.

Its for these improvements of these improvements of these improvements. 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 any or other definitive medical areary or other definitive medical Statutes

- 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*. to, roauma sewer, parks and level mate service, necessary
- s are being of Service iod of five in Section e I of the Order being Order The County has determined that with the Development Orconditions contained herein, there exists adequate level service capacity for the concurrency items listed in Secti 5.A.(2) above to accommodate the impacts of Phase I of t Development* and that said capacity for the impacts are beingserved for Phase I of the Development*. Level of Servicapacity for Phase I shall be reserved for a period of ficapacity for Phase I shall be reserved for a period of file years from the effective date of this Development Orde A. (3)
- 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. A. (4)

Transportation

the T Phase οĘ select one project's 1 select shall te the option, sha o mitigate t C its The Developer*, at it; following alternatives transportation impacts. B. (1)

(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. 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 Finase I.

TABLE 2

for University Commons Improvements Required Link (1997) \dashv Phase

| Roadway Segment Improvement Road Number 1. I-75 (West) to D Development Traffic as a Traffic a |
|--|
| nent Road Segment 75 (West) to |
| nent |
| nent |
| way ent ovemen er I-75 |
| |

Airport Connector Road (located within Sarasota County)

TABLE 3

Phase I (1997) Required Intersection Improvements for University Commons

| ent Inter- LOS Prior to section Improvement levast Road at F tle Avenue versity Parkway (partially withing F) (West Side) F (East Side) F | Inte | Intersection | *************************************** | Traffic | Detro Coment | *************************************** |
|--|------------|--------------------------|---|-----------------------------|----------------|--|
| Tallevast Road at F 7.8 Signalize when MUTCD-Marranted*. University Parkway (partially within Sarasota County) U.S. 301 F 8.6 Construct 2nd Rost Side) F 9.1 Construct 3rd thru lane EB & WB. Signa-lize when MUTCD-Marranted*. I-75 (Bast Side) F 11.6 Construct 2nd 16ft turn lan NB & BB. Signa-lize when Mutch Rost Side) Tuttle Avenue at N/A Construct 1 lane NB & SB; & 1 left turn 1 lane NB & SB; & 1 left turn 1 land 1 lane NB & SB; & 1 left turn 1 land 1 land NB & SB; & 1 left turn 1 land 1 land NB & SB; & 1 left turn 1 land NB & NGCD-MATCHOLD-MA | Impi | covement | Inter- section | LOS Prior to Improvement | LOS HOU | |
| University Parkway (partially within Sarasota County) 1.5 (West Side) 1.75 (East Side) 1.75 (Construct 2nd 1st turn 1an NB & EB. Signative at 1st turn 1an NB & EB. Signation in NA Construct 1st 1st turn 1st | · | Tallevast Tuttle Av | വ | ſ±ι | 7.8 | Signalize when MUTCD- Warranted*. |
| Hest Side) 1.75 (West Side) F 9.1 Construct 3rd thru lane BB & WB. Signalize when MUTCD-Warranted*. 1.75 (East Side) Tuttle Avenue at N/A Construct 1 left turn lane BB be Signalized when Warrant-da*. Tuttle Avenue at N/A Construct 1 left turn & 1 left turn lane BB & SB; & 1 left turn lane BB & SB; & 1 left turn lane BB & WB. Signalized when MUTCD-Warranted*. | | University | y Parkway | (partially with | Sarasota | ounty) |
| . I-75 (West Side) F 11.6 Thitle Avenue at N/A Project Access N/A | | • | | (ž ₄ | 9. 8 | |
| Tuttle Avenue at P/A N/A Project Access N/A | · m | ហ | , | [īːų | • | uct ane Sign hen ted* |
| Tuttle Avenue at N/A Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn, 1 right turn & thru lane EB & WB. Sig- nalize when Warranted*. | 4 . | | | Ē r ą | 11.6 | Construct 2nd left turn lane NB & EB. Sig- nalize when MJIO Warrant- |
| | . 10 | Tuttle Ave Project Ac | rn | N/A | | r r r r r r r r r r r r r r r r r r r |

Page 10 Ordinanc Ø Ø Ω (FKA 91. 67) Universi ţ. Commons

| <u>ω</u> , | | 7. | <u>ა</u> |
|---|---|--|--|
| Lockwood Ridge Road at Project access Drive C-1 | | Lockwood Ridge Road at Project Access C | Lockwood Ridge Road at Project Access B |
| N/A | | N/A | N/A |
| N/A | | N/A | N/A |
| Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB | turn lane SB' & 1 left turn & 1 right turn lane EB. Sig- nalize when MUTCD-Warrant-ed*. | Construct 1 left turn lane NB; 1 right | Signalize when MUTCD-Warrant-ed*. |

The require following: requirement Û Off, Option يسر are hereby satisfied Λ̈́q virtue O_F the

- this tip Service unt improvements will provenent* if the representative p.m. peak hour of these monitorings shall be revised volumes Improvements Roadway current such ments will not Segment ne pursuant policies, a from time #1 SOI and 22 Improvements and be required FDOT SHS Level of C to some Ω #2 may not be Warranted* un such improvements in order shall level uevel of Service designation for lower LOS. Roadway lbe monitored arrive err #1 provided and #2 are not County unt Warranted* to maintain |----|---during a le results lal Report for Level for this ation is Segment nted* at wevel of traffic These
- 94
- the the Los improvements are Wa minimum acceptable C to LOS D or lower Warranted*, le Level of Service Ω Ήrevised from

the timely man Concurrency Warranted* Should said id improvements
manner in Roadway ed*, no f Procedures Segment accordance building permits are committed f Manual, S) C) with amended for c shall be construction • Manatee C and issued unti become County ij

- N Manatee County signalization construction o accordance with Intersection Applicable of County credit shall be of its the Manatee County Lar shall be responsible is Warranted* and the testing the signalization. will 90 funded Land for de 6 Development Cor determining very permitting ф Λ̈́α he the Developer Developer* Code when and
- w Manatee shal shall alternative improvement intersection capacity i improvement, Developer* improvement ტ ტ County granted to ounty Land I e improvement which provides the same or such on capacity if approved by the County. The County responsible for the timely permitting of the t, or such alternative improvement which provides r greater intersection capacity. Applicable credit granted to the Developer* in accordance with the inty Land Development Code. shall fund the construction O Hi and construct
- 4. lane c access Developer* shall either for exclusive right turn lane the southwest corner of responsible for to the OH intersection t O right-i Unive sity sity Parkway. The Developer* she construction and funding of the riginght-out driveway, if approved of University fund the βIJ the construction of a right-in/right-out Development* provi Parkway/Tuttle the right b Avenue driveway southbound shall direct turn the

Commons University -67) 46 (FKA 37 9 Ordinance 0 Page

| Signalize when MUTCD-Warrant- ed*. | 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* | Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane BB. |
|--|---|--|
| N/A | N/A | N/A |
| N/A | N/A | N/A |
| Lockwood Ridge Road at Project Access B | Lockwood Ridge Road at Project Access C | Lockwood Ridge Road at Project access Drive C-1 |
| · | | . |

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

- during a e_results Segment Improvements #1 and #2 are not Warranted* at me pursuant to TBRPC and Manatee County Level of policies, and may not be Warranted* until traffic thereon require such improvements in order to maintain acceptable level of service ("LOS"). These this 18 Segment ation for th designation each Annual The FDOT SHS Level of Service design C to some lower LOS. Roadway #2 shall be monitored annually peak hour weekday condition. The shall be provided in each Annua mitigation **0** required acceptable level will not be red if the FDOT SHS ပ representative p.m. pof these monitorings #1 and LOS time a current ac improvements Development* i from Improvements Roadway Seg rhis time such Service volumes t revised until
- the the LOS (Z)
- from become ill be issued until construction in a is revised #2 and shall improvements are Warranted*, or minimum acceptable Level of Service C to LOS D or lower. ## Roadway Segment Luploymores shaid*, no further building permits shail improvements are committed for manner in accordance with the Should Ros Warranted*, said

Manatee

the

amended

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Concurrency Procedures Manual,

timely

- * 11. by the Developer*.
 the Developer* in Development Code. when permitting by t timely for Intersection Improvement #1 will be funded Applicable credit shall be granted to taccordance with the Manatee County Land Manatee County shall be responsible for signalization is Warranted* and the time ization. signali 햣 Manatee County signalization construction or (1
- County. The County permitting of the sponsible for the timely permitting or sponsible for the timely permitting provides or such alternative improvement which provides reater intersection capacity. Applicable credit nited to the Developer* in accordance with the of and construct OL #2 intersection the construction per* shall fund the construction rement identified for interse improvement which provides the on capacity if approved by the responsible for the timely partinely of greater inc. ranted to the Deveralternative improvement intersection capacity if shall be responsible improvement, or such the same or greater ishall be granted to Manatee County Land I improvement Developer* Ď, shall The ო
- e Avenue, the a southbound t driveway at riveway at ng direct shall be turn At the intersection of University Parkway/Tuttle Avenue, Developer* shall either fund the construction of a southb exclusive right turn lane or a right-in/right-out drivewathe southwest corner of the Development* providing diaccess to University Parkway. The Developer* shall responsible for the construction and funding of the right approved driveway, right-out access .. responsible for t -- riaht-i right County

マ



- responsible for determining whereaft in a manner lucincuresponsible for Roadway Segment Improvements #1 and #2, to that described for Roadway Segment is a companion improvement since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization of signalization. Land The Developer*, through monitoring, shall be determining when the second northbound to arn lane is Warranted* in a manner identical by to County funded be funced granted d #4 will be shall be graithe the Manatee nprovements #3 and plicable credit sl accordance with e. The Developer*, th Improvements Applicable in accordar Code. Intersection Developer*. Developer* i Development
 - the Living constructed by suance of any ne Hotel, Independent Livi Nursing Facility, and t Notice of Proposed Change ducted to determine if t issuance Intersection Improvement #5 will be funded and the Developer* and signalized prior to iss Certificates of Occupancy for the Hotel, Inde Facility, Personal Care/Skilled Nursing Faci Medical/Business Center unless a Notice of Prop earing is conducted to a Substantial Deviation hearing .H α change and submitted proposed
- eveloper* and signalized prior to issuance of Occupancy for the Commercial and Golf the Development* unless a Notinapposed charman if the proposed change Intersection Improvements #6, # constructed by the Developer* and of any Certificates of Occupancy Course portions of the Developroposed Change is submitted and determine if the proposed change -
- for interlocal agreement and the Manatee County t a right-in/right-out Centre Parkway University (i.e. center construct ρχ 1. 89 t C ', if permitted Sarasota Countie fund and cons direct access shopping site may, and S provide isting on s ity Parkway). Plan, between Manatee oper* Comprehensive driveway to the existin University α
- cion to satisfying Option 1, provisions B.(1)(a)1.7. of this Development Order, the Developer* has also id the concurrency requirements of Manatee and Sarasota for Phase 1, which requirements of Sarasota County Iched to this Development Order as Exhibit "C". through 7. of satisfied the Counties for are attached addition 디 σ

B. (1) (b) Option 2

In the event that communicates for the capacity and loading 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 on 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 of the Level Both event that commitments for transportation improving adequate to permit approval of a portion (subjue Development*, the capacity and loading volume traffi areas) in Option in rural ar accepted cate which, we ü hour (C peak in the projection of with generally a referenced hour nts or mechan the roadways the D at peak h counts and tl d consistent improvements maintain the Service D traffic cou prepared

above) Level of Service D at pe Development Order shall specific approval and t associated with each su be generated development w engineering practices. Prior to a initial subphase approval, the Coufindings of fact that the above generated) are operating (C peak in ... would k in rural areas), and that the exby such approval, in addition to by other approved DRIs and each not cause subphase peak to p d identify hours (C peak in amended for each above County any Level ny specific approvinty shall ensure roadways (Tables Level of Service the roadway Service D at peak expected trips to to the traffic to address approved to operate below s (Tables Service I rural areas). The subphase to grant dway improvements approval Ë " U _L l beyond written

- B. (2) The analysis future for roadway improvement* improvements assumed in consist of: cne transportation
- <u>ධ</u> University Lockwood Ridge Parkway Road and as a fo four Road; lane and facility between
- <u>(d</u> DeSoto Lockwood Road Ridge and Road 27th Avenue S ω four lane facility between

Both of t these assumed roadway improvements have been

- (<u>u</u> require the submittal of a revised traffic analysis and this change is a Substantial Deviation. pedestrian in any com Developer* ian ways, and cart paths, as combination to internally ailure to provide said in the submittal of a revi shall construct on site roadways, bikeway, as appropriate, singularly or connect all on site land
- of its due of the total tring conduct of the conduc chat the total trips exceed projected counts in Development* by 15 percent or more, Manatee County conduct a Substantial Deviation determination pursu Subsection 380.06(19), Florida Statutes. This change presumed to be a Substantial Deviation. The results Substantial Deviation determination may also serve as for the Developer* or reviewing agencies to Development Order amendments. peak hour traffic counts at the project entrances shall instituted to verify that the projected number of extertrips for the Development* are not exceeded. Counts we continue on an annual basis through project build-out, and information shall be supplied with each required Ann Development Beginning traffic counts at the project with Annual the ll Report is not su e date, or if the Au rips exceed projed percent or more, first supplied Report is annual h each required submitted within program consisting Report indicate counts for th on pursuant change will County externa a basis request and the thirty dicates Annual shall ٤, the 9d 0.1

meeting analysis. t o Statutes analysis 9 0 agreements ing to be variance b required, will be h unce greater Substantial cantial Deviation, the revised transportation red pursuant to Subsection 380.06(19), Florida be based upon results of the monitoring program reached at another transportation methodology held prior to the preparation of the new

- for accordance Manat ident future applicable condition County shall ify and rese y and reserve remass transit with legally r may law. not reserve the serve the right to init right-of-way within t t and roadway improve mandated procedures 0 implemented within the improvement ۲h ۲h initiate procedures in the project site provement needs, in not and H timeframes accordance
- 6 the Transportat divert a nu residential issuance program
 MPO and Developer* and 0 number units ohall on shall be submitted to and reviewed the FDOT. The TSM program shall be Certificate of Occupancy for 500 units (or the equivalent thereof in Systems 9 Of its vehi] e assigns shall Management trips from the ("TSM") thereof it prepare zpogr and ט implement he County,
 itted upon
 le family
 ms of trip which hour. ent a will The

l beyond written grant The at peak to approved below and pected trips the traffic areas). subphase to Н roadways to operate (C peak in rural areas d for each subphase to approval 무 findings of fact that the above roadways (Tables above) are operating at or above Level of Service D hours (C peak in rural areas), and that the expected to generated by such approval, in addition to the trabe generated by other approved DRIs and other adevelopment would not cause the roadways to operat Level of Service D at peak hours (C peak in rural area Development Order shall be amended for each subphase t specific approval and to identify the roadway impro ensure specific nty shall eroadways County t C the each subphase Prior approval, engineering practices. initial subphase approv findings of fact that associated with

- in the transportation Of assumed consist roadway improvements or the Development* c The future ro analysis for
- between facility and lane ld as a four lar and DeSoto Road; Road Parkway Ridge University Lockwood (a)
- between facility lane four Avenue. Road 27th and Ridge DeSoto Road Lockwood 9

been have improvements roadway assumed these of

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

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 may also serve as a basis 380.06(19), Florida Statutes. This ch to be a Substantial Deviation. The result of the contraction may also servent or reviews. amendments. Order Development the for

If a variance greater than the revised transportation 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 above is determined preparation than that identified nce greater Substantial variance meeting tanalysis.

- 끕 t to initiate procedures within the project site accordance and timeframes. oject s needs, improvement 디 not procedures ₩ ~= implemented reserve the right rve right-of-way wasit and roadway mass transit and road with legally mandated pe atee County shall reseridentify and reserve r not may ø condition accordance This condit with applic Manatee for t O (5)
- hour. The county, tted upon le family as of trip implement a
 which will and Ω^{1} Management ("TSM") progride trips from the PM printed to and reviewed but TSM program shall be s 500 assigns shall prepare thereof for of Occupancy equivalent e FDOT. The Terrificate or units (or the The of vehi 1 be sub Systems : ts e FDOT The Developer* or er o Transportation ıı TSM program the MPO and anc issuance o residential щ divert TSM

B. (6)

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Development the o£ issuance Commons DRI after University constructed the generation) Order for t

f the peak shall or all request seek to TSM the the ficient and appropriate documentation for all ed as a result of implementation of each TS of the TSM program may serve as eveloper* or reviewing agencies to request amendments. The TSM program shall seek to objectives and policies set forth in the tation Plan and shall include, but not be a server of the TSM program shall seek to be a set forth in the contact of the TSM program shall seek to be a set forth in the contact of the tration plan and shall include, but not be a set forth in the contact of the yearly assessment os diverted from t a ye trips . include vehicle t Development Order amendments further the TSM objectives Florida Transportation Plan measure. Results orAnnual Report. The results basis for the Developer* The TSM program shall in actual achievement of veh hour as a result of the Talso include sufficient an diversions claimed as a remeasure. Results of the TS to: imited

private and public þλ ridesharing Promote employees. Policy: section Pol

OBJECTIVES:

- occupancy expanded automobile 95 through 199 hour ρχ Led peak lefforts. urban 10 Increase urb rates by 10 ridesharing
 - and percent transit for 20 rates es by cupancy ö occupancy hour se peak high oc Increase other hig 1995.
- 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 impacts on Sarasota County. In the event that transportation mapacity 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 availability. ject to a capacity Commencement of Phase II of the Development* is subject the determination by Manatee County that transportation capacineeded to serve Phase II is or will be adequate to meet transportation impact of Phase II when such impact occision determination shall be made in accordance with current Manatee County and/or Sarasota County concurrent. Commencement of F determination by needed to serve
- road right-of-way le Avenue at the area University the above the rn property line to Tuttle line of the western parcel Nursing/Personal Care" on as County shall dedicate 25' from their western northern property li marked "Skilled Nur Commons Master Plan. The Developer* (8) • α

Lands and Soils

- 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 applyC. (1)
- 4 À 4-and Ĥ Pages C C l conservation measures referenced ADA* shall be required. soil the A The of t U

Wetlands:

to existing conservation pacts thereto OR on-site impacts remain All existing jurisdictional wetlands to remain wetlands created on-site to mitigate impacts jurisdictional wetlands shall be treated as areas, pursuant to policy 10.1.2, FRCRPP, and impartants existing D. (1)

shall be minimized.

U

- mitiyu into, s area said ratios herbaceous The Developer :igat: shall Developer* CIMINAMS ratio such littoral eous wetlands and 4:1 for forested ware reduced in accordance with the mitigated County 9 onal wetlands a wetlands and 4:1 рe surface educed in accordan, but comprehensive Plan, but reduced below 1.15:1. The well-reduced below in addition to any shall mitigate β បា all minimum unavoidable m ratio of 2: wetlands unless of 2:1
- Ŭ. three (3) years an wetland communitie mitigation securit applicable County and exotic species accomplished as All for survival species diversity, compositions of the species diversity, compositions of the species encroachment. mitigation (3)) years and an 85 percent; communities at the end of on security shall be req cover of herbaceous wetland communities at areas ordinances necessary and littoral shelves shal y, composition, spreading croachment. Additional pl 1 of five required survival/cover of forested maintain ional planting shal in (5) shall years. We accordance ЦБ (regenerat ь Б ω the end of monitored meration) Wetland ce with b e
- Ŭ. state Plan state or federal jurisd activities are permitted by with jurisdiction, and are objectives and policies of development federal activities of 7 s shall be permitted within re isdictional wetlands unles by the permitting agency or a are in accordance with the of The Manatee County Compre Comprehensive regional, less such agenc goals tes
- Ħ. (5) agencies to the la required adjacent wetland shall i long Final vegetation in a wetland buffer unless activity buffer areas thirty S conservation easement, and shown on any Preliminary Site Plans and subdivision plats containing land and buffer areas. Each Development* phase, or subplinclude deed restrictions that prohibit development ity and ... s approved by the ... This ... ies with jurisdiction. This ... ie landscaping-related activities not buffer areas located adjacent to buffer areas located adjacent to the landscape areas located adjacent to buffer areas located activities or rem clude deed restrictions and removal of native v Λq to foot (shall Post-Development (30′) Comprehensive эq required 9 fifty This restriction shall not ap ons that prohibit do e vegetation within to and any permitting Wetlands*. Al to foot be dedicated to removal to the (50′) necessary A11 e golf buffer Эd viable such to development established the the course, so not apply maintain subphase wetland County buffer with and
- . U 6) areas Xeriscape sit t Œ design concepts shall ЭĠ used jn landscaping

Vegetation and Wildlife

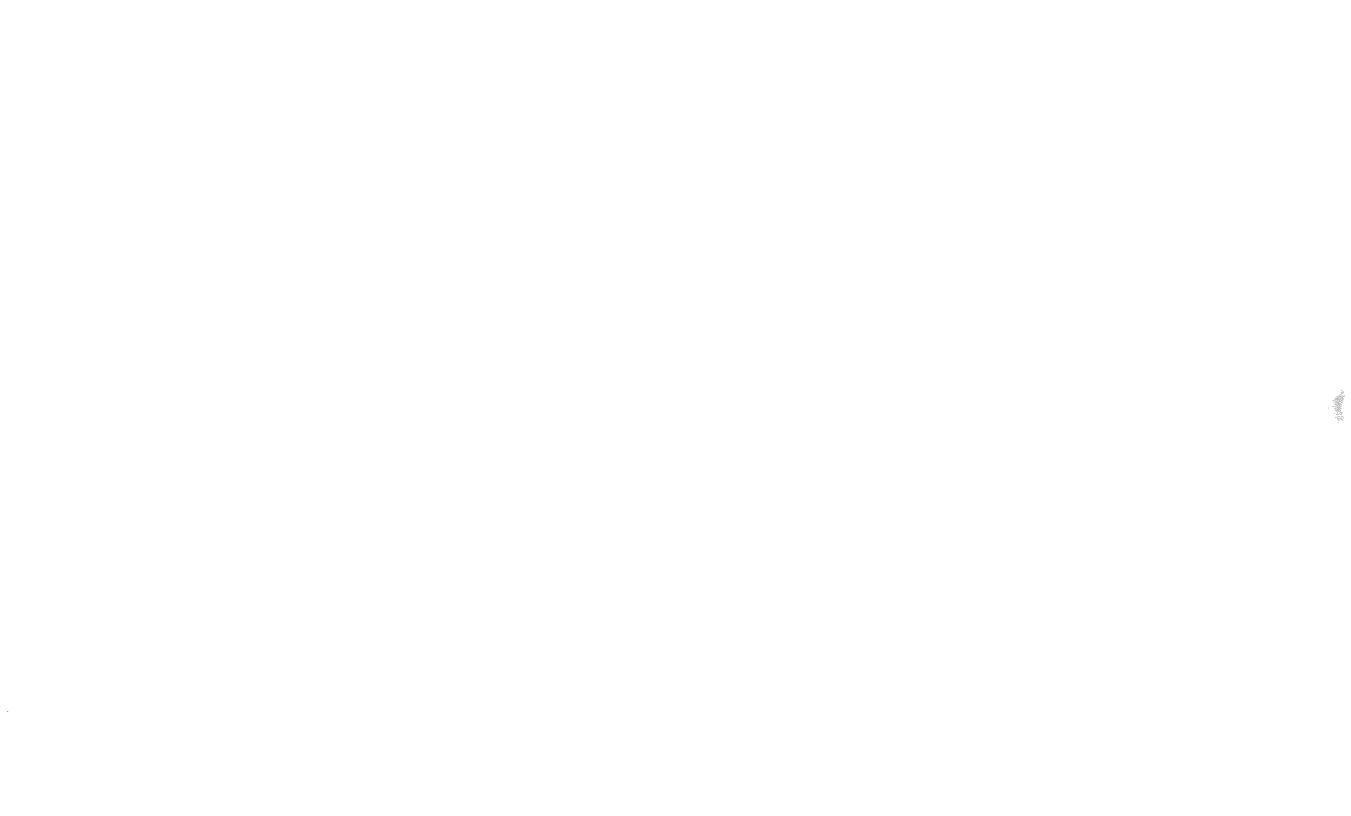
- for nesting, fe protection/mitigation cooperation with the Commission ("FGFWFC") required pursuant amendment to this protection. maint contains include, ("EAC"), through the enance, event 39-27 and at a minim information to n with the Florida ("FGFWFC"), the Env. nd the Department of C this 7.005, a minimum, ᇤ that i T frequency, wetland mar the event a wildlife to this condition, it s Development Order. F.A.C., are feeding, any on measures species Ø impacts are wildlife da Game and Environmental vironmental Action Community Affairs. .ldlife management observe Game 9 listed t o shall management and ha re management shall be adort Ω_{i} frequenting the breeding, pr D D Fresh Rules adopted as employed plan Water Commission This shall plan which 39-27.003 g the site boundary site Fish ope in
- <u>လ</u> designated as a Map H attached definition set t the ្រ Forth ្ឋ Development Exhibit 9 μ., the Ħ TBRPC nt* which meet the conservation SRPC policy 10.1.2, FRCRPP, shall be Development's* Master Plan known as ֖֪֪֓֟֟֟֟֓֟֟֓֟֓֓֓֟֟ × which meet the
- ᄪ (E) habitat located located 9 7.6 the acre north mixed side (Of. hardwood/pine the Universi University community Commons

shall be minimized.

- The Developer* shall mitigate all unavoldance included in the 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. (2)
 - 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 ordinance. and littoral shelves shall be monitored', composition, spreading (regeneration) roachment. Additional planting shall be for species diversity, compositio and exotic species encroachment. I accomplished as necessary. (3) Ω
- such agency or agencies with the goals, h the goals, Comprehensive activities are permitted by the permitted within regional activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the construction objectives and policies of The Manator <u>4</u> Δ.
- buffer areas shall be required to the containing land with 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 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 wetland buffer areas located activities or removal of viable native Wetlands*. All such wetland to be dedicated to the County shown on any Preliminary and established zone, buffer рe A11, (50') t shall foot (50's Plan, sh Wetlands*. foot (30') or fifty by the Comprehensive to Post-Development occurs adjacent to buffer areas A thirty required (5) . П
- landscaping in nseq shall be concepts design site Xeriscape areas D. (6)

Vegetation and Wildlife

- Commission This shall plan which pecter, and boundary in Fish proper 39-27.003 site თ თ employed frequenting the shall be adopted Water plan management spec of Community Affairs.
 wildlife management Rules breeding, Fresh management listed sp tland management wildlife managen Ď, 7 and Florida Game and the Environmental listed shall observed to this condition, it Development Order. t wetland H impacts measures species are пd .A.C., ar feeding, frequency, event and the Department ď цo r cnat any 7.005, F.A.C. at a minimum, information on ce, fire frequen for nesting, fe protection/mitigation cooperation with the Commission ("FGFWFC"), the pursuant t to this П event 39-27. maintenance, a L protection. include, contains ("EAC"), required through the H (T)
- conservation ре FRCRPP, shall er Plan known Development* which meet the orth in TBRPC policy 10.1.2, FRC on the Development's* Master <u>-</u> on the Exhibit m the នe as designated as Map H attached Areas of definition Map 7 [±]
- Commons community the University hardwood/pine οĘ mixed side c north acre 7.6 the lу located approxima: habitat (3) <u>ы</u>



v the with accordance d the EAC. incorporation County and 듸 gated through miti(the or ζq intact park, approved a passive s and appr preserved site shall be pregolf course or a FGFWFC policies

Historical

- Leate, Division of Historical Resources, bivision of Historical Resources, 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 resource (potentially including excavation of the site in the Resources) must be complete. F. (1)
 - F.(1) above, shall be py of the description of a Division of Historical tion F.(1) shall require sport. A copy of the ctted to the Division with Condition F.(1) determination. with description of compliance valuded in each Annual Report.

 ipliance shall be submitted to sources. Non-compliance with the sources. Substantial Deviation A descripti included in compliance s Resources. N (5)

and Drainage: Ouality Water

- 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 postdevelopment 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 annument 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 G. (1
 - shall n for quality the SWFWMD agencies, sh ndea byinde of those ayemented regulations of those ayementaling program include a street cleaning program include inclue Development*. (BMP*) for reducing water and FDER the λq Management Practices* as recommended with adopted respect of and included ತಗದೆ ಸಂತರ್ಭತಿಸ ತುಕಡು Best M.
 impacts, a.
 accordance with
 implemented O

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- 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 a minimum: ტ ც following the nclude
- determine quality. and ions be to water the sampling program shall be round water quality condit proposed Development* on wa background purpose of the the 당 existing effects or The (g)

- <u>(d</u> four Development Water quality collected prio issuance c seasons) times ar prior to co 0f ior to commencement of construction, annually for one year, and two times thereafter, through four years past of the last Certificate of Occupancy samples and flow measurements y for t
- <u>G</u> clean-up, retrofitting or of identified on-site selected to assist in making an accurate determination water quality conditions, change in water quality and topossible sources of contamination if such contamination is discovered. The program are and is discovered. The program are and is discovered. standards are other applicable exceeded. steps Ö state resolve for the
- <u>a</u> the the The be Data shall identified. submitted for approval to the SWFWMD, the County and EAC. Collected data shall be furnished to the County, EAC, and the SWFWMD as part of the Annual Report. The shall be furnished immediately if problems are proposed Surface/Groundwater Monitoring Program shall submitted for approval to the SWFWMD, the County and
- Ω (4) Pursuant t groundwater O shall Rule <u>ф</u> 17-28.700, permitted on-F.A.C .0 Ø ott discharges to
- a G maintaining the stormwater management system. The masschedule for insuring proper water quality treatment submitted to the TBRPC, SWFWMD, and the FDER for revto the County and the EAC for approval, during the part of the County and the EAC for approval, process. Developer*, taining the 9 1 1 1 1 1 designee, shall during be responsible review, and e permitting maintenance shall for
- <u>Ω</u> 6 extent outside acceptable Stormwater possible, e the FDER Ċ management FDER DER jurisdiction. incorporate system and wetlands design Mitigative utilize shall isolated measures to wetlands may

Hazardous Waste:

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- (1)prepare and a ha and and Order residential shall: Order, or prior Development*, w Within er, or prior to issuance of any building permits for the elopment*, whichever occurs later, the Developer* shall pare a hazardous substances (including biohazardous waste) a hazardous waste management plan which shall be reviewed approved by the County, the EAC, the FDER and the TBRPC, then distributed by the Developer* to residential and non-idential land users within the DRI. At a minimum, the plan one year 0f the effe effective nce of an date of this to building permits for the Developer* date Development its for the
- advise of regulating the applicable hazardous wastes statutes and subs Ŭ, ances and agency rules
- 0 substances statutes an be stored indicate containers; and the that are cor d agency rules or disposed that types, rules sources considered to of be and Ľ, hazardous under volumes specially the and 0 H which must designated waste icable and
- 0 describe generally improper disposal methods;
- О describe generally appropriate disposal methods
- O provide a
 regarding tl
 substances; the list proper 9 agencies handling which can and disposal and Б 0f consulted hazardous
- 0 describe informat: not ρ program contained 6 i i inform the plan; owners and tenants O Ëħ the
- 0 storage describe areas; construction requirement Ŋ for hazardous SPA t O

- shall be at least (wet and the date for the sha11 Occupancy lected prior to commencement of construction, it times annually for one year, and two times seasons) thereafter, through four years past issuance of the last Certificate of Occupancy measurements flow and samples collected prior four times annu quality Development* Water Ğ. 9
- 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 exceeded ed on-site problems if a water quality standards are clean-up, identified federal wat છ
- 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. probl ìf immediately part furnished Ď6 , and hall h entified g ιq Data Õ **g**
- to discharges 20 .A.C., on-site. Ľ s 17-28.700, be permitted Rule shall S groundwater Pursuant
- responsible for The maintenance shall be for review, and the permitting shall proce (2) O
- maximum wetlands s may be measures the gn shall, to the utilize isolated Mitigative removed wetlands system design and Stormwater management system dextent possible, incorporate are outside the FDER jurisdiction. acceptable to replace removed we 9 O

Hazardous Waste:

- or to issuance of any building permits for the whichever occurs later, the Developer* shall rdous substances (including biohazardous waste) s waste management plan which shall be reviewed by the County, the EAC, the FDER and the TBRPC, plan Development and to residential a minimum, this of At date a hazardous waste management plan approved by the County, the EAC, then distributed by the Developer* DRI effective the within the land users of prepare a hazardous Within one year Order, or prior Development*, wh idential Within and and res sha H. (1)
- rules agency substances; and statutes and Wastes the applicable hazardous wastes regulating O.F advise 0
- applicable which must designated and ¥0 the specially hazardous volumes under and įп considered to be ų O sources rules disposed e types, that are and agency o the containers; substances stored statutes indicate pe p

0

- methods disposal improper generally describe 0
- disposal methods; appropriate generally describe 0

- consulted hazardous of рe disposal which and agencies handling the proper of list đ substances provide a regarding
- ų O enants ŭ and owne plan inform the in to program to contained scribe a p Formation des inf(0
- ø wast hazardous for requirements construction areas; describe torage m O



Commons University 67) 9 (FKA 92-31 Ordinance -Н Page

- cleanup methods; spil1 typical describe 0
- tenant ĹŔ non-residenti each to stributed dì and be updated annually. 0
- waste exchanges and other o the extent possible and shall be included in each that tenants that o utilize wa methods to use such sity Commons te required to e recycling me A report of University Report appropriate feasible. All Uni should Annual $\overline{\Sigma}$ 口
- stored, or on of those rey shall be th the tenant businesses op an ongoing survey which tenant businesses where survey disposition this surve are generated, the dispositic o F in with those those those results and wastes record of The Developer*, in cooperation within the Development* shall devill locate and catalog thos Report The and wastes. Annual keep a 1 wastes. substances the substances and included in the and hazardous handled, a (3
- pe any and shal biohazardous waste shi the County, the EAC, a ncies with jurisdiction of biohaz by the CC agencies incineration c lless approved } eral agency or unless federal -site No on-site permitted state or fe (4)

Energy

- rve the Florida serve by FJ able to provided s available will be nro Ø service --Adequate electrical service Development*. Electrical serv. Power & Light Corporation. I.(1)
- Development* the following the of the y that All tenants, businesses, residents, etc. o shall be notified in writing upon occupancy encouraged: are energy-related practices I. (2)
- resource lon, where ar energy, cogenerati solar and cog and waste heat recovery lly feasible; use energy altrecovery, and economically 0
- or companies energy þ n energy audits provided
 qualified agencies; obtain 0
- 130 a t water heaters set and lower heater timers ᇅ water heate Fahrenheit install degrees 0
- tion to reduce heat University Commons orientation a]] building (use landscaping and bui gain, where feasible, gain, where construction; 0
- buyers by employees,
 appropriate; conservation യ ത energy conservant and the public, promote e suppliers О
- air conditioning, non-business hours, of all during 1 levels of operation and lighting systems appropriate; reduce heating, 8 0
- programs; recycling and utilize institute 0
- abl recycl or and/ packaging efficient energy 3; and materials; utilize 0
- when facilities large G systems energy install total cost effective 0

Housing:

Ы

basis, living are accessible are e, on an as-needed of bedrooms) which the handicapped. shall provide, rying number of use by, rith a varying adapted for u Developer*s (with a va and units to, an The (1)

- **Ч** 2) marketing the needs residents. strongly ng effort: eds of t the, encouraged, promote a project's ហ broad that oad range of anticipated the Developer*, e of services ted mix of in to 1 meet tired H
- Ч affordable for afforda than offset the transpo commencing development of Phase II, reassess affordable housing in the Development's* Transponent in accordance with the DCA's method 1nd than offset by the availathe transportation impact Affordable Housing Study applicable with the understanding mencing development of affordable housing generated offset by the availability of Developer* Manatee housing has complet County analysis SPM study area methodology ility of affordable hou tudy area of the Develop s reviewed and approved that the Developer* wil which Chapter 380, Florida ich demonstrated tha d by the Development* ήn Transportation Impact methodology and anv in effect at the supply of Development* housing that Statutes any * is the DCA, within more The
- <u>__</u> 4 One hundred percent of the reside Development* shall be housing for old Section 760.29(4), Florida Statutes. residential older persons component S) defined 9

Economics:

- ≍. $\widehat{\mathbb{L}}$ the Developer's* to I Excess potentially development rights infrastructure serve risk Phase capacity and for ΙI II of the Development*
 shall not constitute a Phase H ρ e Developen shall be a basis for a
- (<u>2</u> The nondiscriminatory el Chapter 187, Florida minority-owned Development* shall business employment da Statutes, promote start-up, entrepreneurship opportunities, and the FRCRPP. and and pursuant encourage rsuant to small

Wastewater:

- Development capacity sat issuance of Compliance Certificate the filing of Phase II subject to a determination by the County the adequate wastewater capacity to accommodate Phase II, or the subphase thereof to be develonable in accordance II determinations shall be made in accordance Manatee County concurrency requirements, or the time of the Developer's* application for Level of Service Compliance, whichever is more perfectly in a conty concurrency requirements. the event that wastewat portion of Phase II, dev with development of the future determinations as wastewater capacity the Development* and The County wastewater period ing of se II of nent Order.
 r satisfies
 of a Cot Order. This delatisfies all of fa Certificate or for Phase dr an has or Phase I, or any s r Certificates will be i an application by the I f the Development*, or a determination by the C wastewater and det ö that development of the balance of យ ermined accommodate balance s to waste determination of the und said capacity is being rs from the effection determinates of the underlying or Certificates of capacity wastewater that , or any subphase the County that the accommodate the f to be developed. in accordance with the control of the be issued by , is only available for a such portion may proceed, Phase II being subject to ter capacity availability. subphase Developer*. there is more and those requirements i മ exists thereof, which the County upon r*. Commencement reservation stringent Certificate Off there date reserved date of t ήn Such Phase the current thereof impacts Phase effect adequate nase I of exist this for at of Jp Of O H ໝ S
- 2 Regional County. Capacity subphase within th commencement of said phase or subphase ther participate, in accordance with applicable County in the treatment plant expansion and the ultimate Wastewater
 Development* wastewater 9 ïďď the ase In the Y is not Wastewater thereof. No 9 Development* service * shall t available as needed to serve the Development*, subphase thereof, the Developer*, prior to the of said phase or enterty Ö to each phase be provided by Treatment Plant γď by the septic each system(s) Development*, owned the 04 shall County and operated subphase 9 99 util ordinances, disposal of മ phase or permitted izing the

- in its to meet retired services mix of Developer*, O.F oad range of anticipated the broad that project's encouraged promote the the effort: of t strongly needs marketing residents . D . (2) Ы
- 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 armiicable Manatee County methodology in effect at that time. . (3) Ы
- residential component of the for older persons as defined in residential dred percent of the reside ment* shall be housing for old 760.29(4), Florida Statutes. Development* hundred Section One Ь

Economics:

- at Developer* shall be at basis ๗ Excess infrastructure capacity constructed by the to potentially serve Phase II of the Development* the Developer's* risk and shall not constitute a Phase for rights development K. (1)
- encourage and small pursuant and start-up, and opportunities, and the FRCRPP. The Development* shall promote minority-owned business nondiscriminatory employment Chapter 187, Florida Statutes, 2 ₩.

Wastewater

L. (1)

- the Development and the control of the bevelopment of the 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 Aevelopment of the balance of Phase II being subject to a portion of Phase II, development of Phase II being subject to adequate lase I of for evelopment of the balance of Phase II being subject to determinations as to wastewater capacity availability wastewater capacity to accommodate the impacts of Phase I the Development* and that said capacity is being reserved a period of five (5) years from the effective date of t exists there that determined has future
- thereof, suc-county ordinances, imate disposal of or a phase or be permitted Wastewater Treatment Plant owned and operated by the In the event that wastewater treatment or disposal is not available as needed to serve the Development*, se or subphase thereof, the Developer*, prior to the nent of said phase or subphase thereof. cement of said phase or subphase ther ipate, in accordance with applicable County treatment plant expansion and the ultimate ater generated by the Development*, or set thereof. No septic system(s) shall be the Development*. Wastewater se Development* Regional Waste ommencement participate, in the treatm HH phase stewater County. I subphase within th O H

(5)



- uest Lor review De provided to Of waster consist using County ው ሲ tted backup sharre backup sharre e and discharge c designed the ς 1 submitted means of b int failure see back-up рe shall and equipment The practices Several stations environment against approval 1:ft engineering owing: the ensure Sewer folland to L. (3)
- ద have motors shall the panel box 35 HP (or less) receptacle on ions with 3 generator Lift stations auxiliary gen 검 ŋ
- ПE transfer include remote shall er than 35 HP motors generator set with with greater than stationary generat with Stations Φ on-sit (<u>p</u>
- surcharges/overflows line sewage contain t O wells Wet <u>U</u>
- trucks for tank pumpouts by-pass Emergency (g
- equipment 100 percent redundancy in lift station pumping (e)
- requirements these exceed option, its ц Ц Developer*,
- Site Plan to monitor Faulty bort of in the plan Plan the t 0 schedule report entity(ies) a time sched of The Lency of monitoring.

 y as possible. A responsible. ruptures s or rupture Developer*. a plan Final the be responsible for the monitoring, and provide which outlines the dates or frequency of monitines shall be replaced as quickly as possiblinspections, results and repairs shall be inspections. the Iller, he County, first designate leaks the s or, prior to the Collegian submit to the Collegian prines for le County, sewer the The Developer* shall, approval, prepare and on-site sanitary sewes sewer lines which are approved by Report. must be Annual
- 9 5 7 w±t -39 r-1 comply No. 91 $\frac{N}{N}$ stem shall c the sewer syst se Ordinance ((into tne wer Use County Sewer of waste Î Exhibit disposal Manatee (See the
- treatment. utilize on-site wastewater shall not The Developer* L. (6)
- Prior to any submittals by the applicant to the manace Sevelopment 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*, рe t 0 required with are that along including all source/discharge points. show all off-site sewer facilities tha extended for this Development* along holdings land unserviced L. (7)

Water

M. (1)

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 the filling 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 ay proceed, subject to e potable I of '' at Of ΠΠ for Manatee County concurrency requirements, or those in effect the time of the Developer's* application for a Certificate Level of Service Compliance, whichever is more stringent. the event that potable water capacity is only available for portion of Phase II, development of such portion may proceewith development of the balance of Phase II being subject s adequate of Phase I exists there determined that County has

future deto availability determinations ខ្លួ to potable water capacity

- $\widehat{\omega}$ accordance Developer* ration of an any onshall the the SWFWMD <u>е</u> responsible wells. These rules and for for the maintenance wells shall be oper regulations operated and
- (3 ADA* shall I installed in Act, Section water conservation fixtures and measures 9 d accordance 553.14, Flo required nce with the Florest Florida Statutes Water the Florida saving Water devices referenced in levices shall Conservation the рe
- ≾ The lrant Developer* Ò not dedicated shall 0 maintain the County. all water lines and fire
- <u>(</u>5 available, demands. For site for : nonpotable water on-site. The plan shall be completed prior the issuance of any further land development permits, a shall include an implementation timetable, as well as determination of the availability and feasibility of using c site wells, reclaimed wastewater or stormwater retention por demands. For purposes of this Development Order, "nonpota water is defined as water emanating from any source other a public water utility. The Developer* shall submi acceptable plan to Manatee County and the TBRPC for the unnonpotable water on-site. The plan shall be completed printed issuance of any further land development permits, e wells, reci irrigation Developer* use only purposes shall nonpotable Ç the water to meet nonpot nonpotable "nonpotable" submit use of ወዝ ponds water than and
- 6 within the this condi Adequate for which agency other this condition shall mean the m regulations of the Manatee County mandatory mandatory regulations of with jurisdiction over Ch Ch fire Development's*
 tion shall mea flow and water protect not water supply system. is require O. this required any Comprehensive Development* federal, to restrictive serve shall state every "Adequate" ф Д Plan, maintained applicable O_K loca for
- Ξ (7) of the SW resources The Developer* shall SWFWMD in the H H Eastern Tampa regard comply t O with th the rules protection Вау rules and recommendations ction of the groundwater Water Use Caution Area.

Ζ

- (8) approval l Department. plans provide Water 1 plan Inspections Department: source/discharge provided conceptual Development shall Fire 9 lines an per уď harge points. adequate sous and fire pro show t O submittals by the Land the a for water master Marshall, Review the The the Plantor serve the fire protection requirements of lall, and the water Planning, I ter and fire extent of the source the The the applicant cee, the appl O.F water Development*
 water line s Permitting ce protection the water lir water | n shall shall be specified the Comprehensive Pl Planning, icant to the applicant s and C C fire lines shall the and Inspections conceptual master shal Permitting including shall provi protection Development* Ф Д looped al master shall be ő County a11 for the to
- (a) provided land ase necessary and dwelling ssary for units per **⊬.** ∺ ່ນ gross acre shal j. р Б
- 9 Corresponding gallons per mic Comprehensive mi-Plan with Tedo and the the land be p e provided as Marshall fire specified flow rates ed by che H.
- <u>a</u> At time of de responsibility development t O provide it sh shall minimum ф Д the the applic needs cant's

Solid Waste

N.(1)per Deve capa issu wast Deve County ment y sa e of capacity ||oment* ar Offi ent Order. satisfies five has and Certificate Ö det (5) that said ca ermined <u>a</u>]] years This O H O H determination an from that capac Certificates the impacity the there impacts effective exists being and О Г Of requirements Level reservation adequate Phase I reserved Of. Servi O_H for a this solid for the Off 0

Commons University 2 Ġ Н O 37 92. Ordinance 20

potable 50 93 determinations availability future

- and ober maintenance þ e wells. These wells shall be SWFWMD rules and regulations the for responsible wells. These pe on-site with the shall any The Developer* operation of an accordance 'n Ξ
- the pe Conservation shall s referenced devices sha Water saving devic h the Florida Water and measures nce with the Flor Florida Statutes. fixtures l be required.
 in accordance w conservation 553.14, Section shall installed water ADA* Act, 9 Σ
- fire and lines water a11 County maintain the to dedicated shall The Developer* hydrants not de (4) Σ
- 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 times. g or stormwater retention pond determination of the availability and feasibility of using site wells, reclaimed wastewater or stormwater retention pofor irrigation purposes. M. (5)
- re applicable Plan, or r any local 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 or state restrictive for which fire protection is required shall be within the Development's* water supply system. "Athis condition shall mean the most restrictive regulations of the Manatee County Comprehensive of any federal, st this Development* ď agency with jurisdiction over regulations mandatory other (0) **X**
- or the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area. recommendations The Developer* shall comply with the rules and of the SWFWMD in regard to protection of M. (7)

(8)

Σ

- be all t 0 andand for Inspections master Development* provide s that shall including shall be looped e protection and Inspect Plan, Planning, Permitting and Inspection Planning, Permitting and Inspectator and fire protection conceptual me extent of the water lines that sharve the Development* including coints. The water line shall he is source of water line shall he is a source of shall he is a so Permitting to the Manatee water to the Develo shall be specified the Comprehensive Pl Planning, submittals by the applicant Review Committee, the appli provided to serve provided to serve source/discharge points. The water provide an adequate source of wat Water lines and fire protection shater lines and fire protection shater plan Inspections Department: water the the master by The show Prior to any Development any Department. plan shall conceptual approval plan
- рe shall acre units per gross residential use dwelling necessary and use as land provided (a)
- rne r 끄 rates ζ Ω, iea nd uses, fire flow provided as specif: Fire Marshall. land ມ ຊຸ and the chall with Corresponding with gallons per minute Comprehensive Plan <u>(P</u>
- (I) the applicant's fireflow needs the minimum Ď, shall it sha these development, by to provide At time of de responsibility At (C

Solid Waste

reservation of equirements for Level of Service this solid ø th of to g requirements of Level of Ser adequate Phase I o reserved date has determined that there exists a sity to accommodate the impacts of P :* and that said capacity is being r five (5) years from the effective determination and the underlying or certificates of determined that or of years This satisfies all cof a Certificate (2) Order. capacity ment* ar ment County οĘ cap: isst Dev. per Dev N. (1)



Certificate 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. Compliance Certificate o

- efforts in each recycling rt on this report restigate appropriate construction and repo investigate ill in after W1.1 and applicant Annual Report both
- to meet material the and y operations site to meet investigate f the trees cover the applicant inve the mulching of th as land clearing ц and retained landscaping p, then that with ongly suggested that ies associated with t will be removed The mulch could the for needs construction. Developer's* It is strongly possibilities as brush that wil commence. the Devel during cor Z

Education

for County ordinance Manatee fee the impact when ordinance and an Ч with improvements, such an comply shall adopts system The Developer* education system School Board ad 0

Recreation and Open Space

- dedicated to ре as not shall 1 Ф space area agencies or and open agency or and on site recreation County or any other the Developer*. the λq
- nply with The Manatee County ect to provisions concerning parks recreation and open space areas approved by the space Comprehensive Plan and such uses unless complyrespect ot be changed from suc in accordance with the 3. Designated changed from shall Comprehensive Plan with Code Developer* or park sites. shall not be cl Development (5)Д
- of the Development* | Final Site Plans in Code. Development ace components of the Preliminary and Final e County Land Develop space on the Pr open designated se with The and The recreation shall be design: ordance
- signed with due ve recreational the nongolfing two tr Phase least guests/residents designed at of open space area shall be provided for the of the Development*. The area shall be size, provided prior to the form. t 0 access easy provide * to * regard to both oriented open s in size, and located Development* located Recreation residents acres (4) щ
 - the as this defined Order 5.E. evelopment areas and this be include 5.D. οĒ Subsections not it. does Lerm "open space" doe "conservation" in Sube Development Order 7.3 Ĺч

Police, Fire and Health Care

o O

protection will be sveloper* shall be responsible for re of the cost of land acquisition, of emergency service facilities for al services or any combination atisfy this may, with the concurrence satisfy this obligation in w services a...
e County and/or t...
The Developer* shall L.
The of the cost of 1 contributing a pro rata share construction and equipping of fire and emergency medical thereof. The Developer* may, County and fire district, sati y medical se by Manatee C ue District.' Emergency provided by and Rescue

in part use by | if appl 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. t by conveyance of la County and fire able. An agreeme nd fire district or payment agreement as to pro rata land deemed suitable share, mutually the Developer*, for the int impact intended

- Ю (<u>2</u> police protection to Development*. The Devel with applicable County services necessary to s The subphase Manatee necessary thereof. County nty Sherral phase ion to each phase le Developer* shall participache Development* se or subp __ provide expansion OH Η ovide any phase accordance of typical of the such
- Ö 3.012., exceed appl evelopment*; Þ a shall be des provisions shall designed ons of the the and State constructed Fire Code t O Rule meet 4A-9
- Ö regarding required. rding health О Н care the Developer* P resident ω S discussed shall be in the ADA* specifically ij

Air

- R. (1) Phase II, Vertical I those subphase Commencement of determination adopted significantly adverse air or any subphase thereof, or any subphase Development* of thereof. Of Уď γ̈́ Phase the the County, usimy one whichever H thereof, will be m Phase II, or the d the Development current are r impacts caused by mitigated prior to development of any FDER more s subject to the R guidelines or ce restrictive, che
- procedures pages 13.1, Developer* and 14.2 air shall and ll implement emissions co the control the ADA*. the fugitive measures dust S D D abatement forth 8

Floodplains/Disaster Preparedness

- ß all the and Hn order order to minimize potential property damage elevations for habitable structures shall base flood elevation and in accordance wit federal requirements. requirements with local, from be at a C flooding, state abo
- Ŝ $\widehat{\aleph}$ In the ever facility sh vulnerable (Assistance regarding this matter should be obt coordinated through the Chief of the Manatee County the American Red Cross.) assistance partial erable to flooding and that we coordination would include al "host facility" in the trance of patients that event shall that coordinate the proposed with other the other area hospitals which ar would be required to evacuate hospital e temporary sh would require the ibe require evacuation and be require evacuation and be obtained a r. Chapter which are being ģ and

General Conditions

- option of amendment which such Development*
 developments this TBRPC and the D on of the Developer*, apply without the requirement to this Development Order. Provided, keepignation shall not operate to reduce the his Development Order below applicable, adoptions to the designation of the contract of would be applicable is located, the within Regional applicable located, the DCA. then then the Activity Addivity to the te to reduce applicable, provisions governing Centers shall, at the the requirement for an area Center led, however, that the requirements adopted rules of ut designated which the that ments es of
- H $\widehat{\aleph}$ shal 380. the State La The Developer*, shall submit an 380.06(18), Floathe State Land Florida Statutes, to Mar and Planning Agency and 9 annual the its anniversary DRI report report orts in accordance with or to Manatee County and the y and other agencies, as 0f 2881 the gns execution date and/or trans Section O Ff may TBRPC, thi рe

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. the for suitable land deemed of conveyance ρχ in part

- typical of the accordance on of such phase ction to each phase or subphase The Developer* shall participate, in acc le County Ordinances, in any expansion provide any OK the Development* shall Office Sheriff's serve services necessary to County police protection Development* The D with applicable Co thereof Manatee subphase 2 Ö
- or 4A-Rule 4 t O Code constructed State Fire and the designed on one of the The Development* shall be des exceed applicable provisions F.A.C. 3.012., Q. (3)
- in the ADA* specifically discussed shall be Developer* as or residents, for the care of The commitments or regarding health required. (4) o.

- t FDER guidelines or e more restrictive, y impacts caused by mitigate? mitigated prior development of cnose adopted by the County, using current FDER that any significantly adverse air quality impa Phase II, or any subphase thereof, will be mitid subphase thereof. R. (1)
 - abatement forth dust measures fugitive the ADA*. the 1 implement emissions co Ų. and 14.3 shall air 14.2 and Developer* 13.1, procedures pages The R. (2)

Preparedness Floodplains/Disaster

- above state damage from flooding shall be at or above local, accordance with il property d structures : in accordant rder to minimize potential elevations for habitable s base flood elevation and i requirements order a]] the and 듸 (J)
- and r of 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. would be required to evacuate.
 le the possibility of being a
 the temporary sheltering and
 would require evacuation. Chapter obtained County рe wose racility" in the temporary of patients that would require regarding this matter should bed through the Chief of the Manatee Casan Red Cross.) American (Assistance coordinated 2 S

Conditions **General**

- r an that ons governing shall, at the designated which the the requirements adopted rules of for however, t the requirement Provided, however . . . provisions Centers sha in Center area to reduce Order below applicable, a Regional Activity applicable to the located, then the within Regional Activity Developer*, apply without this Development Order. P to the shall not operate this Development that the рe such designation .H and the event t 0 which would Development* developments option of tamendment
- y be this transferees, with Section and the TBRPC, may თ თ date with agencies execution and/or in accordance Florida Statutes, to Manatee County other assigns the and of t reports successors, anniversary Agency DRI Planning the anni its annual The Developer*, shall submit ann 380.06(18), Flori the State Land P С appropriate, (5)

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Development Order are ort shall be submitted to Planning, Permitting and or's designed Development Tector of the Manatee County Planning, Permitting and Jons Department or the Director's designee, who shall the report for compliance with the terms and conditions Development Order and who may submit an appropriate to the County Commission should the Planning Director 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 necessary. owing are nece until foll(hereafter Conditions ied of an of this report contain this County Six (e,) r danater of the Manater of the Dir of the Di and Cond notified year ų O shall ions Report Orders condit this Development Annual Order further and Six Director Inspections review the r elopment satisfied. report t ¥0

- the or in phasing development, ADA*, or in the next year οĘ the the contained in F year 디 changes esentation reporting reprethe ιQ
- and proposed activity development the year ΟĒ for son y comparis conducted summary ctually Ω
- single ity or ity نړ en individual separate than ď t other sold t land, been have οĒ tracts that lots, Undeveloped developer; ami O
 - d or site leased DRI si original Lus purchased, Lent to the oriciissued; adjacent r was issu οĘ and intended use • Developer* adja lopment Order was by the Develo e Development Identification the optioned since the <u>י</u>כו
- rernment's led in the contained have and being contained in the which Order and the commitments that are ion for Development Approval* and wby the County, the TBRPC or the DCA local approval the and conditions of the Developer's* the An assessment of the compliance with the DRI Development Order in the Application for been identified by the significant; Φ
- Development Deviation ar and to be year ications for Substantial ing report r a in the Appl or requests for DRI year incremental next that the Any known ind Approval* or determination t or during filed 44
- jovernment since the Ď * local opment Develo in any the if of change, portion issued; was any ៧ of Order or An indication jurisdiction for Development Ord מ
- which rpe of typepermits agency, federal ρχ which are pending hand purpose of each; and state are pe local, which or number significant obtained permit peen ΟĘ permit, list have 드
- Development an adopted er* pursuant Developer* ๗ of the adoption of modification of orded by the Develo Statutes ζq recorded by 1), Florida οŧ Notice subsequent 380.06(14)(d) Wass S recorded l the subse that Order Subsection any Development for οĒ copy Order 0 ---
- the and of (5) copies 380.06(. Č sent ions e been s Subsecti have ith S 3 all persons in confor Statutes; that . Report Florida statement Annual ٠,
- residing children age school of number Development*; the o Ę A statement within the I ¥
- the into moving residents period; the recording οĘ , ages the re entry within the Development* οĘ ist , --| ---
- housing units ent of Housing guidelines; Department housing of Ø rent current affordable and prices then the^t (HUD) actual t Urban Development relative the 디 Information constructed and E
- ~ Ø (4) thi of. onditions and N. (2) ondi to cc L. (4) rsuant H.(3), ion purs H.(2), H. ormat informa (3)(d.) H to F. (2), and/ Reports B.(6), C

Section 5

- **}--**(u generated by building permits, c Annual Report and on-site obser the terms and conditions of thi through such means as are author Statutes, and through the Mana Code. designee, ensuring its Manatee necessary shal County be responsible for monitoring the Development or the compliance with this Development or for monitoring the Development* illding permits, certificates of occupa and on-site observations. The enforce conditions of this Development Order eans as are authorized by Chapter 380, Эд Planning Manatee Director, or an authorize or monitoring the Development Development Or ized by Chapter ee County Land Land enforcement Order shall rder shall be 380, Florida d Development authorized evelopment* Order the
- promulgated pu Development*, provision in t Florida S Chapters that this extent t Statutes, this a Statutes, to be rs 403 and 373, F his Development the affect the pursuant *, said el this to be Development sions of Section 380.06(5)(c), Florida the determination as to which rules at to these statutes are applicable to the election shall apply, notwithstanding any elect Florida t Order : bound by the ß H. by the rules adopted purs Statutes, in effect at t is issued. Accordingly, Order apply, no Section contrary. 380. pursuant .06(5)(c), ursuant to the t O time the
- <u>(</u> challenge of Developer* sh attorneys the to such for submittal schedules. to such fe appeal for th In t the the OK event Development Of legal Payment Order under the certain payment of all billings by the and costs shall be paid wof an invoice. the ent of a of this shall I all pay all County* is മ Development Development costs and required t Order Order fees Λ̈́ of County
 expend relate
 e of the appeal within the Developer* or the processing current Planning une DCA or of Co... CA or TBRPC, County staff related to s 4, days other related Of. legal said g fee and fee

SECTION 6. DEVELOPER* COMMITMENTS

Application dated May 23 the for. and Developer*, except conditions of the I commitments d May 23, December following for 1989; August 19, 1990 re he Development Order. within the ADA* that Development 9 respectively they may he Developer* 21, Approval* 21, 1989; [December y which s the superseded These comm: commitments (ADA*) Developer* seded by specific commitments in no veloper* will be re and S er 29, shall ts set forth in the distribution of the set forth in the set of th no way limit responsible terms

A. General Commitments

A11 cent er, O.f. the including residential social components area, and an will outdoor þe served recreat Λ̈́q Hon ρι community complex

12.4 landscaped Development* green space will and ь В n D designed extensive t O lake rporate system. open (ADA* space, , Page

ways Developer*
s within th the hall provide project when ride for pedestrian and wherever possible. (SR (SR1 nonvehicular Page access

B. Air Quality

as is 13.1) Cleared and disturbed as is appropriate as Soon 5 D will I ill be grassed, possible after mulched, clearing. or sprinkled (ADA*, Page

8 abatement pages Developer* procedures shall N be and and required to in lair emissions ld 14.3 of the A implement us control a ADA*. measure the fugitive dust res indicated

C. Land & Soils

The the soil and ADA*, conservation measures a T minimum, shall be e required erenced 9 pages 14and 4 m

Clearing, grubbing, areas where constru construction and site is in te grading imminent, and will only Эд carried within t the out specific

Commons University 67) 16 (FKA -31 92 Ordinance 4 N Page

Section 5.

- 380, Florida 1 Development the Manatee County Flanning 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 Land Chapter County λq Director the terms and conditions of this Dev through such means as are authorized Manatee Planning the through County and Manatee Statutes, ß _ Ë
- Statutes, to be bound by the rules adopted pursuant to statutes, to be bound by the rules adopted pursuant to s 403 and 373, Florida Statutes, in effect at the time is Development Order is issued. Accordingly, to the the provisions of Section 380.06(5)(c), Florida s, affect the determination as to which rules to are applicable to apply, notwithsta er to the contrary these statutes ion shall apply Order Statutes, affect the deten promulgated pursuant to these Development*, said election sh provision in this Development The Developer* has this Chapters that this Florida extent T. (4)
- fee ated the and said fee legal TBRPC, staff processing current Planning the Developer* rel within 45 days of S other related opment Order appeal or othoment Order by the DCA or TB costs and fees of County s required to expend related at the rate of the processer under the current Plans I billings by the Developer* of a Development Order this Development Order all pay all costs and county* is required t vent of a Development of this Development a shall pay all costs the County* is requi shall Order fall bi costs an invoice of the Development Payment and event fees Ų. challenge c Developer* schedules. 0 K submittal attorneys such appeal for the to ហ

SECTION 6. DEVELOPER* COMMITMENTS

terms or way limit ments set forth in the and Sufficiency Responses r 29, 1989; July 19, 1990; shall be honored by the responsible superseded by specific These commitments in no the Developer* will be re the Developer* commitments (ADA*) and December which sh nent Approval* ist 21, 1989; D respectively Developer* be may be that commitments within the ADA* except as they n the Development for Development d May 23, 1989; August December 19, 1990 re are following of O Application dated May 23 Developer*, conditions o The the

A. General Commitments

community recreation ๗ ģ served outdoor pe p Will цe and components area, social the residential including social the center, Q Q

~ W ace Page g open si (ADA*, incorporate lake system. designed to an extensive and pe Will space Development* green andscaped The

access 12-1) nonvehicular Page (SR1, ride for pedestrian and wherever possible. (SR possible. provide the project shall Developer* within Ways The

B. Air Ouality

or sprinkied (ADA*, Page 占 mulched, clearing. assed, after as possible υ Ω, ₩<u>1</u>11 areas soon disturbed appropriate as ಶ್ಷಾದ Cleared ю Н-급. 13

dust the fugitive measures indi emissions control m. 3 of the ana required air emiss 1 14.3 of and and рe Ġ shall procedures Developer* abatement on pages The

C. Land & Soils

οĒ 'n 74 and 14-1 pages 다 O referenced be required required conservation measures shal1 minimim, ๗ a T soil c ADA*, The

on ied t only out the carried within will be and only te grading imminent, a site is im Clearing, grubbing, and areas where construction

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ot to site kept 14 o Ę (ADA*, Page рe standards Will depth ed by accepted specifications. d grubbing by accent and dictated and finished grading Clearing დ დ construction minimum necessary preparation O.F limits the

ng by as and soon soils time Page თ ო wetting of drier sing construction tfinished slopes complete. (ADA*, Pa ed by the wetting minimizing constr complete. ---I mized by by min cover grading minimi vegetative : finished g ll be mini periods, will dry and "... establishing ve erosion Wind

 $\frac{1}{2}$ and minimized times canal slopes will be minimizing construction er on finished slopes slopes cover.3) and appropriate slopes, ing vegetative cov 14 pond Page from (ADA*, Soil erosion utilizing app establishing erosion possible

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

. Vegetation and Wildlife

mixed hardwood/pine of the golf course edge acre the ø. within the 당 est contiguous portion y will be incorporated (SR5, Page 2) be in Page The larges

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

control floating the outfall water ils, greases, and (SRl, Page 12-3) lat tul of oils, g waters constructed discharges c downstream receiving skimmers L minimize Oil and grease s structures will debris to downst

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

111 be become will not Ø areas do r igation species -H nd miti plant that invasive plane Page 12-2) ensure that detention c C The wet dete monitored to established.

d by a minimum the Ģ. heavy metal uptake, as 3) bleed-down structures is and contaminants from drainage c a mini induce apter 40D-4, F.A a minimum of 35% be accomplished detained for a mon areas to indu Pearce ster quality enhancements will be acconstep process: 1) runoff will be detained y period in the detention/retention areas of particulates in accordance with Chapter ated littoral shelves will encompass a miniface area to aid in nutrient and heavy met the to debris and discharging nutrient appearance; a eliminate floatable de eventually discrete 22.3) eliminate natural three day period in the settling of particulates 2) vegetated littoral sh Page as provide a before t C nseq water surface water Future wa рe puod well will

t O amenity visual ಗ თ თ be designed 12-1) will Page Retention/detention lakes adjacent land uses. (SRI,

E. Public Facilities

1. Water Supply

fixture plumbing conserving (i) . f. wate 12 11 provide (Skl, Faye willThe Developer* watere practical

2. Wastewater Management

ed propos stewat ¥ Ø the es from County Φ ũ ardous was U) industrial/haza deposited into a*. Page 21.1) deposited (ADA*, Page 0 will be Development* facilities. There

3. Solid Waste

Pag (ADA* provided <u>ф</u> Will disposal waste solid No on-site ਜ 24

4. Drainage

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

ECTION 7 CREDITS AGAINST LOCAL IMPACT FEES AND EXACTIONS

construction or expansithereof, and the the 908 contribut unless additional Developer* grant Florida O H the ity or construct, capetallity or politic facility, the extent local required exaction or hereunder the Developer* impact σ, to contribute la or pay for land fee 9 would address EST land ty, or not successors or or

SECTION 8. LEGAL DESCRIPTION

acre es currently ow al description this Developme evelopment escription included Development Order Of. University University Commons, L.P. and as Exhibit "F" attached Commons shall ტ ტ restricted and described to, and made 0 the D Λq par 286 the part

ECTION 9 DEADLINE FOR COMMENCEMENT OF DEVELOPMENT

shall part sale, period shal site, the B accordance the appropriate the failure Off reason). because on testimony presented at that appeal years of app commencement development development control elapsed between approval Physical 1 ease for shall Qf. a H the For approval re to carry out development is attributable to factor of the public facilities

For the purpose of this option and all corre Board with the this ongoing or use. action on any დ Իdevelopment Development extended by the shall occur unt shall shall occur until the expiration of the experiment Order expired. If more than for ween approval of this Development Order and inder County Development Approval*, or it pire without significant development and County Commissioners may conduct a published Land Development Code and may, at its Off l construction of site in this of the Development by the Board project O H Order unless the improved shall County commence land Commissioners; than 8 R ant development or buildings a and five within the time period buildings ve years shall commencement any five year civity on the ne period for ners; however appropriate hearing tion, bas permits similar ring in based; based beyond permits similar opment" for

SECTION 10. RESTRICTIONS ON DOWN-ZONING

Order, the density pendemonstrate For permitted ten רוים כ (10)may by years this from down-Development the zone adopt 0 Order reduce . e date unless the 0 intensity this the Development ity or unit .ty or County

- Þ \Box Substantial i i i Development changes in ment Order μ'n have the occurred conditions underlying the approval Of
- W provided Order γď was based Developer* nogn substantially or inaccurate information
- \cap The the change is cleapublic health, clearly safety, established g welfare Λq the County ct Ö ф Φ W Ø ent μ. E D ŗΤ 0

effected oni statute and regulations. Any only to and/or downthrough the through the through reduct usua for nori and change ήn cust densi omary H H ţу procedures 8 intensity required by development shall λq 99

4. Drainage

include pair and pe 12-2) repair Page 12 will good (SR1, ט components : groundcover. areas development and completed develop inage structures a lthy vegetative ga drainage healthy v for keeping all maintaining Maintenance keeping all

AND EXACTIONS CREDITS AGAINST LOCAL IMPACT FEES . -SECTION

Les any
Les required
impact fer Section ever, if rs, or public the o required or portion ordinance for land acquisition Code; however, imposes contribute land for a pu needs, game 806 of the Manatee County Land Development Code; howe the Florida Land and Water Adjudicatory Commission imposeditional requirement, Manatee County shall not be reto grant a credit toward the local exaction or imposed was a second to be the second to be the second the second the local exaction or imposed the second th local such or pay for land acque a public facility, s also subject by local the addres same on meets would add its the that to impact fees or exactions to meet th Developer* may apply for impact fee credit construction impact fee wo determines Developer* To the extent that the Develop assigns are required hereunder to facility or construct, expand, or 18 construction or expansion of thereof, and the Developer* is or or County ion payment, exact Manatee contribution, that the local unless To Н

SECTION 8. LEGAL DESCRIPTION

286 r the part the ሷ ៧ described, and made to restricted and (ersity Commons shall be re University Commons, L.P. a d as Exhibit "F" attached University currently owned by Ur description included Order Development of Development this cres.egal of, R H

OF DEVELOPMENT COMMENCEMENT FOR DEADLINE σ SECTION

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 control of the Development is attributable to factors beyond the control of the Development (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the number of the control of the control of the carry out development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the control of the Development is attributable to factors beyond the Development is attributable to the Development is attributable to the Development is attributable to the D ity of permits other similar t development" r buildings as buildings for commence within three "significant site improvements or e improved land or nt is extended by the Board of County Commissions Development Order unless the sment shall occur until the expiration between and between provision, of site imp prepare the purpose of this actual construction construction effort to pro ongoing For the or Physical the ease пa рe 4-I O reason).

SECTION 10. RESTRICTIONS ON DOWN-ZONING

can Development ity or unit intensity or see the County this unless oĘ the date reduce Order, adoption OH Development down-zone the from not this years may no ζq the County permitted (10)ر1 (آبا the ון מיי For Order, c density demons

- oval appro the underlying conditions occurred; the have 끕 changes in ent Order Development 리 antia Substant d
- information inaccurate substantially or upon per*: oper based Devel was the Order V provi(α
- t O essential рe Ç County the welfare ρζ established or safety, clearly health, თ ლ change public! The the U

ty shall be required by development ensi procedures land int local oH density customary ij change 무 and reduction usual for ordinance the or down-zoning only through and/or onl ations Any effected statute regulati

c.



Commons University 67) 91-((FKA 37 92 Ordinance 27 Page

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

SECTION 11. ORDER BINDING UPON DEVELOPER*

SSOrs succe its Developer*, the nodn interest binding i. рe successors shall Order or This assigns,

ORDINANCES CODES COMPLIANCE WITH 12. SECTION

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

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

hereby within Commissioners approval effective e Developer*, the DCA, and the -H Order Department Inspections Departme of this Development Planning, Permitting and Insp to send certified copies of t (0) days of the Board of County Co this Development Order to the directed to thirty (30) (date of thi The TBRPC.

SECTION 14. NOTICE OF RECORDING

loption of this 15) (f), Florida and Inspections adoption (15) (f) notice of addection 380.06 (1) ng, Permitting Section accordance with Section furnish the Planning, Pe yy of the recorded notice đ record shall copy of 디 The Developer*
Development Order in
Statutes, and shall
Department with a cop

SECTION 15. SEVERABILITY

unconstitutional, or effect provision or portion of this Development of competent jurisdiction to be void, unas, then all remaining provisions and order shall remain in full force and effermations. court of reunenforceable, the any

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 County, Florida ADOPTED by the Board of County Commissioners this 3rd day of June, 1992. June, O H Manatee

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Vice-Chairman Change

First

ATTEST: R. B. Clerk of the Circuit Court

DATE EFFECTIVE 16. SECTION

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.

COUNTY COMMISSIONERS COUNTY, FLORIDA BOARD OF COUNTY OF MANATEE COUNT

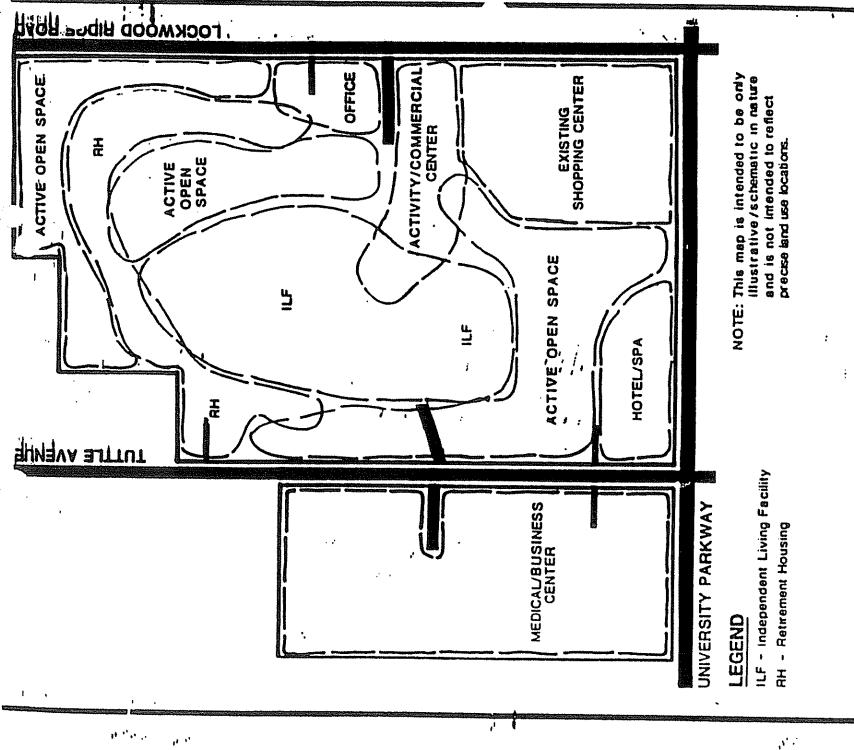
Zhuandhi. Chame First Vice-Chairman

Court

R. B. SHORE the Circuit ATTEST: R

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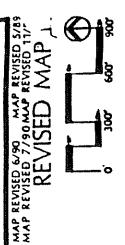
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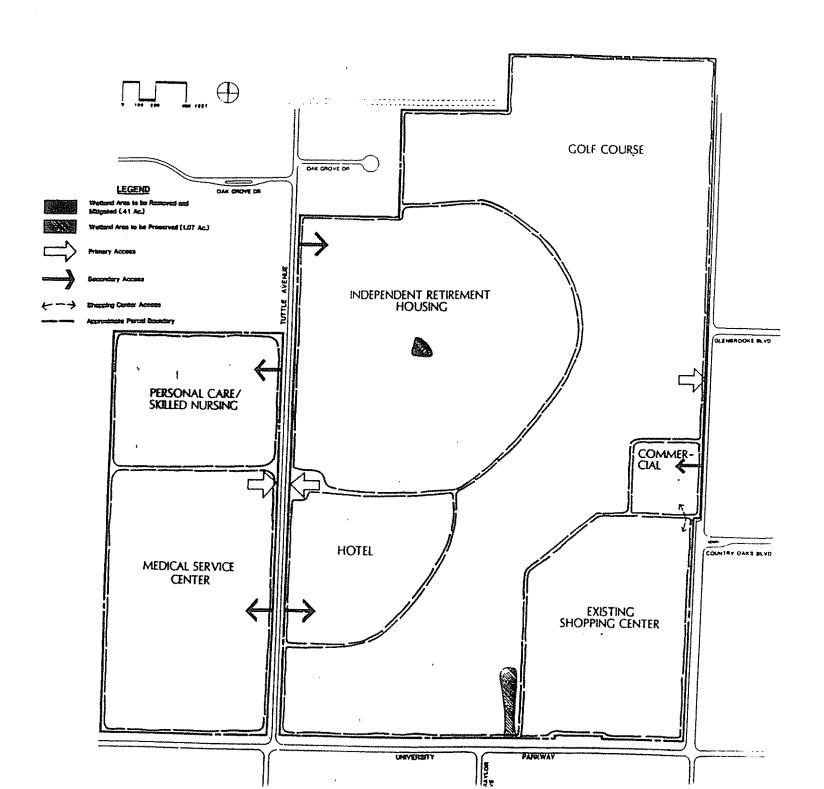
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Greiner, Inc.

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Greiner, Inc. UNIVERSITY COMMONS GENERAL DEVELOPMENT PLAN

VERSIT

DATE: #/19/01

University Commons, L.P.

REVISED MAP

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TOTAL LEGAL DESCRIPTION
CONTAINS 3 SHEETS - DESCRIBING
PARCELS (A THROUGH F)

UNIVERSITY COMMUNS LEGAL DESCRIPTION

DUKE AND BENEDICT SECTION 32-35-18 BOUNDARY

DESCRIPTION: PARCEL A

A TRACT OF LAND IN SECTION 32, TOUNSHIP-39 SOUTH, RANGE 18 EAST, HANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING HORE PARTICULARLY DESCRIBED AS FOLLOUS:

LINE OF SAID SECTION 32, A DISTANCE OF 173.01 FEET: THENCE N 89'15'10' U, 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 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 BEEINNING: THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: N 89'15'10' U, A DISTANCE OF 21.58 FEET: THENCE N 89'35'09" U, A DISTANCE OF 1042.96 FEET: THENCE N 89'35'09" U, A DISTANCE OF 1042.96 FEET: THENCE N 89'35'09" EET 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 1074.39 FEET TO THE ADISTANCE OF 2480.87 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 33-35-16 BOUNDARY

DESCRIPTION: PARCEL B

A TRACT OF LAND IN SECTION 13, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEL COUNTY, FLORIDA AS DESCRIBED IN DEED 800K 368, PAGE 13 OF THE PUBLIC RECORDS OF HANATEE COUNTY, FLORIDA, BEING HORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE S.W. CORNER OF SAID SECTION 33, RUNN NOO" 48" 04" E, ALONG THE "EST 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 ANT THE MONTHELLY RIGHT OF WAY LINE OF DINY SERINING; THENCE NO 00" 48" 04" E, ALONG SAID MAINTAINED RIGHT OF WAI LINE, A DISTANCE OF 2506.06 FEET TO THE HORTH LINE OF THE S.W. 1/4 OF SAID S.W. CORNER OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 89" 18" 00" E. A DISTANCE OF 1340.13 FEET TO THE S.W. 1/4 OF THE N.W. 1/4; THENCE S 80" 18" 00" E. A DISTANCE OF THE S.W. 1/4 OF THE N.W. 1/4 DISTANCE OF 162.01 FEET; THENCE N 89" 13' 10" W A DISTANCE OF 162.01 FEET; THENCE N 80" 13' 10" W A DISTANCE OF 162.01 FEET; THENCE N 80" 13' 10" W A DISTANCE OF 1017.53 FEET TOW WAN AND WANDER THE N.W. 1/4 DISTANCE OF 1017.53 FEET TOW W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1502.46 FEET TO THE POINT OF

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

CONTAINING 126.41 ACRES, HORE OR LESS.

ATTACHNNUT #5 (Page 1 of 4)

DUKE & BENEDICT.
Parcel C
DESCRIPTION: AS FURNISHED

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

HORE 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, TOWNHIP 35 SOUTH, RANGE 18 EAST,
RCY 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
751.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E.
L. OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH,
ALNGE 18 EAST; THENCE N 00° 51' 30" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 00° 51' 30" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 89° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 80° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 80° 18' 01" E, A DISTANCE OF
218.30 FEET; THENCE N 80° 18' 01" E, A DISTANCE OF
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218.30 FEET; THENCE N 80° 18' 01" E, A DISTANCE OF
218.30 FEET TO THE N.E. 1/4 OF THE N.E. 1/4
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218.30 FEET T FLORIDA.

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

CONTAINING 3.28 ACRES, HORE OR LESS.

DUKE 6 BENEDICT

Párcel 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, RANCE 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 67: FEET TO A POINT 52.9 FEET MORTH 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; THENCE CONTINUE SOUTHEASTERLY ON THE SAME LINE TO THE EASTERLY LINE OF THE S.E. 1/4 OF N.E. 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; LESS AND EXCEPT THE RIGHT

HORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

BEGINNING AT THE S.E. CORNER OF THE N.E. 1/4 OF

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 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
THE POINT OF SAID SECTION THE POINT OF SAID SECTION THE POINT OF BEGINNING. LESS AND EXCEPT THE RIGHT OF
WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION
THE POINT OF SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

ATTACHMENT #5 (Page 2 of

DUKE & BENEDICT - SECTION 33-35-18 BOUNDARY

DESCRIPTION: PARCEL E

SECTION 33, AND 42 FEET OF SECTION 33, OF LAND 42 FEET OF WAY PURPOSES, THE S.W. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 TOWNSHIP 35 SOUTH, RANGE 18 EAST, LESS A STRIP WIDE OFF THE WEST SIDE OF SAID PARCEL FOR RIGHT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1/4 OF THE N.W. 1/4 OF SAID SECTION 33;
1/4 OF THE S.W. 1/4 OF SAID SECTION 33;
1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE ISTANCE OF 612.44 FEET TO THE EASTERLY RIGHT LE AVENUE: THENCE S 00* 48' 04" E, ALONG SAID A DISTANCE OF 670.06 FEET TO THE POINT OF EE COUNTY, FIGHT 1 OF SECTION 33, TOWNSHIP 35 SOUTH,
3. 04" W, ALONG THE WEST LINE OF SAID
1680.24 FEET TO THE S.W. CORNER OF THE
1; THENCE S 89" 18' 01" E, A DISTANCE
OF BEGINNING, ALSO BEING THE EASTERLY
UTTLE AVENUE; THENCE CONTINUING
E SOUTH LINE OF THE N.W. 1/4 OF SAID FROM THE N.W. CORNER OF SECTION 33, TOWNSHIP RANGE 18 EAST, RUN S 00° 48' 04" W, ALONG THE WEST LINSECTION 33, A DISTANCE OF 2680.24 FEET TO THE S.W. CORN N.W. 1/4 OF SAID SECTION 33; THENCE S 89° 18' 01" E, A OF TUTTLE AVENUE; THENCE CCS 89° 18' 01" E, ALONG-THE SOUTH LINE OF THE N.W. 1/5 SECTION 33, A.DISTANCE OF 612.22 FEET TO THE S.W. CORNENCE N 00° 49' 13" E, A DISTANCE OF 670.07 FEET TO CORNER OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.W. 1/4 OF SAID SECONDER OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE N.W W, A DISTANCE OF 612.44 FEET FUTTLE AVENUE: THENCE S 00* Y LINE, A E RANGE 18 EAST, HANATEE OF WAY LINE OF RIGHT OF WAY LIBEGINNING. LYI R OF THE 18''05" CORNER N 89° 1

O.F. RIGHT PERTINENT EASEMENTS, OF RECORD. 9 SUBJECT RESTRICTIONS

CONTAINING 9.42 ACRES, MORE OR'LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

BOLNDAAY RENAINING AFTER R/Y DEDICATION FOR LOCKHOOD AIDSE OCSCRIPTION:

A DISTANCE OF 310.00 9 ONE THE ARC OF THE POST OF THE ASS. WE THE THE CONTRESSITY FARMENT THENCE CONTROL 2502) FOR THE FOINT OF BEGINNING; THENCE CONTROL 2502) FOR THE FOINT OF BEGINNING; THENCE CONTROL OF SISPERT THENCE OF SISPERT THENCE OF SISPERT TO THE AFONESAID NONTHERN UNIVERSITY PARKEAY; THENCE ALONG SAID RIGHT OF MAY UNIVERSITY PARKEAY; THENCE ALONG SAID RIGHT OF WAY OF SISPERT TO THE AFONESAID FEET TO THE AFONESAID POINT OF BEGINNING. LYING AND I RANGE 18 EAST, HANATEE COUNTY, DIST 27.00 FEET; THENCE N 89"15'10" 3 00"44'50" W, A DISTANCE OF 21 00° 56° 59° 70 Y 01 TOWNSHIP IS BOUTH, 1532.62 FEET; がある

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FEBRUCISMS OF MAY, AND AI OF TO SUBJECT TO PERTINENT EABENEATS.

CONTAINING BO.24 ACRES, MORE OF LESS.

LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

DESCRIPTION:

of an area

SECTION FLORIDA. THE 33, SOUTH 1/4 TOWNSHIP OF. 35 SOUTH, HE NORTHEAST RANGE 1/4 18 OF. EAST, THE NORTHWEST MANATEE COUNTY. 1/4 ao g

JIHSNMOL ALSO: ريا سا THE SOUTHEAST 1/4 OF SOUTH, RANGE 18 EAST. THE SOUTHEAST THE NORTHWEST 1/4 OF SECTION 33,

NORTHEAST 1/4 TOWNSHIP 35 SOUTH, TOGETHER WITH: 0 RANGE HE THE SOUTHWEST IS 18 EAST. HE 1/4 NORTHEAST 1/4 OF 4 OF SECTION

BEING MORE PARTICULARLY DESCRIBED AS POLLOWS:

DESCRIPTION: (BY THE UNDERSIGNED)

SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTH LINE, A DISTANCE OF NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTH LINE OF SAID SECTION 3. A DISTANCE OF 335.05 FEET TO THE SOUTH SECTION 3. A DISTANCE OF 654.42 FEET TO THE WEST LINE OF SAID SOUTH LINE, A DISTANCE OF 654.42 FEET TO THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF TH MAINTAINED RIGHT OF WAY THE MAINTAINED THE POINT NORTHEAST 1 1/4 OF 52 38" HEAST 1/4, A DISTA 06" W, A DISTANCE RIGHT OF WAY LINE OF THE BEGINNING; NORTHEAST SECTION LINE, <u>ម</u> THENCE 33. TOWNSHIP 35 SO THE EAST LINE OF 52 DISTANCE CORNER 30 ° C JE LOCKWOOD RIDGE ROAD, ALSO BEING JCE S 00° 46' 49" W, ALONG SAID A DISTANCE OF 1155.23 PEET TO THE THE NORTHEAST 1/4 OF THE NORTHEAST OF SAID SECTION 33; THENCE OF SOUTH LINE, A DISTANCE OF 30" E, ALONG THE WEST LINE OF THE 1/4 OF THE NORTHEAST 1/4 OF THE 1/4 OF THE 9 19.46 520.00 FEET TO RIDGE ROA SOUTHEAST SOUTH, RANGE 18 EAR RANGE 1 FEET: THENCE

STATE OF FLORIDA COURTY OF MARKITEE

thereby certify that the foregoing is a true SUBJECT copy of Ordinarioe NO. World CERRITHY TRACES O O T **7**0 RECORD. PERTINENT EASEMENTS, RIGHTS 0 WAY, AND

Board of ingo, yano sighters of said Country MTAINING 54.50 ACRES. 194,7 this 15 Tay MORE OR

الم المدين المارية المحارية Bradenton, Florida

R. B. Shore
Clerk of Circuit Court
By 77.11

ACHMENT #5 (page 4 of 4)

is Va

P.O. B 646 (33631.3416) 7650 Vv.st Courtney Campbell Causeway Tampa, Florida 33607.1462 (813) 286-1711 FAX: (813) 287-8591 Greiner

C1754.04 March 13, 1992

Mr. Michael Pendley, Principal Planner Manatee County
Planning and Zoning Department
Post Office Box 1000
Bradenton, Florida 34206-1000 University Commons DRI Reference:

Dear Mr. Pendley:

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. Enclosed please find a Technical Memorandum entitled "Land Use Changes".

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.

to de Cos.

Randy Coen Senior Project Manager

RGC:vh

Marina Pennington, DCA Suzanne Cooper, TBRPC David Mechanik James Gardner James Dye ပ

Grei Inc.

P.O. 31646 (33631-3416)
7650 v/est 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.

Table Car

Randy Coen Senior Project Manager

RGC:vh

c: James Gardner David Mechanik James Dye

EXHIBIT "A" (Page 2 of 24)

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.

two development phases are achieved by exchanges within that specific phase and that no 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 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.

EXHIBIT "A" (Page 3 of 24)

Golf Course - remains unchanged.

General Office - specifically defined square footage.

exchanges which do not rely on approvals outside of the phase in which they occur. that these exchanges are independently achieved by phase and are thus stand alone reduced, and General Office square footage is specifically defined. It is important to note exceptions: At buildout, the ADA and alternative land use totals are identical with the following Villas and Medical Office/Showroom are eliminated, IL units are slightly

provided in the "Exchange Calculation" section of each table and the applicable footnotes. requirements of TBRPC. exchange of p.m. peak hour peak direction external trips by land use conforms to the respectively, from a transportation perspective to achieve the alternative phasing. Tables 2 and 3 present the exchanges necessary within Phase I and within Phase II, Detailed information regarding the specific exchange of trips is

alternative is less than the ADA assessed amount. respectively. The ADA assessed quantities for Phase I and buildout are provided at the relates to Phase I and the cumulative effects of Phase I and Phase II (i.e., buildout), bottom of each table and compared to the alternative quantities. In all cases, the Tables 4 and 5 present an analysis of wastewater, water, solid waste and employment as it

or employment demands assessed in the DRI analysis for either Phase I or project buildout. buildout is not significantly altered as a result of the exchange. In addition, no new land uses have been introduced as a result of the exchange and project The step one exchange does not exceed the transportation, wastewater, water, solid waste,

Care, Medical Office, Out-Patient Services, Skilled Nursing, and General Office Specifically, the two land uses directly affected by HRS are the Hospital and Skilled beyond the control of all parties involved in the development order approval process. Department of Health and Rehabilitative (HRS) approvals/determinations which are Nursing. The land uses which could require adjustments due to HRS actions are Personal The step two exchange provides for limited adjustment of project land uses based on

limit these step two exchanges. The equivalency factors identified in the table are based on between the land use listed above. The table also identifies minimums and maximums to Table 6 provides a Development Equivalency Plan which allows for the limited exchange

EXHIBIT "A" (Page 4 of 24)

employment quantities must be identified and assurance provided that each ADA assessed p.m. peak hour peak direction traffic, as required by TBRPC. The table also requires that infrastructure quantity (i.e., wastewater, water, solid waste and employment) for that once a specific exchange is identified the resulting wastewater, water, solid waste 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 TIME (4/89)
1994 WITH, PROJECT P.M. PEAK HOUR TRAFFIC CONDITIONS
University Commons

| | Link | | | Length | P.H. | pround Peak | P.H. | ject Peak | P.M. | tal Peak | | Peak | P. | н. | Proj % L | os | 4 |
|-----------|-------------------|--|-------------|--------|----------------|----------------|----------------|--------------|-------------------------------|--|--------------------|-----------|------------|---------|----------------|--------|---------------|
| | | | Existing | ln | Hour V | | Hour V | | Hour V | | | apac ty | Peak Ho | our LOS | Service | Volume | I mid. |
| | Index | Roadway Link | Lanes/LOS 3 | Miles | NB/EB | \$B/WB | NB/EB | SB/WB | NB/EB | SB/WB | NB/EB | \$8/WB | MB/EB | \$8/¥8 | NB/EB | SB/W8 | REGIT. |
| | | Islievast Road | | | | | | | | | | | | | | | |
| | 1-1 | Old Bradenton Road to U.S. 301 | Sr/D | 0.00 | ZOB 197 | 150-1 | 11 27 | 20 | 237 224 | 107.0 | 7 910 | | | * | | | |
| | 1 2 | U.S. 301 to Tuttle Avenue | 2L/D | | 480 455 | | 32- 66 | | 54/ 521 | | | 870 | c´ | £ | 3.18 | 3.50 | NO |
| | 1.3 | Tuttle Avenue to Lockwood Ridge Road | 2L/D | | 401 380 | | <i>≯</i> 2. 60 | | | | 910 | 870 | S D | c ' | 7.76 | 11.25 | NO |
| 冥 | , , | TOTALE AVEING TO ESCHOOL RINGS KORD | EL/U | 0.50 | 401 JBU | <i>C</i> 91 3 | 54 6U | 95 | 461 440 | 845 45 | 27 910 | 870 | C ~ | C. | 7.06 | 11.88 | NO |
| EXHIBIT | | University Parkway | | | | | | | | | | | | 1 | | | |
| 77 | U -1 | Old Bradenton Road to U.S. 301 | 2L/D | 1.00 | 848 788 | Q19-10 | 48 م)+ | 74 | Դર < 896 | 001112 | 000 ا ^م | 1.030 | D'' | آ£ ۾ | 5.11 | 7.63 | No. 10 |
| | U-2 | U.S. 301 to Tuttle Avenue | 2L/D | | 121.311 | | 17 204 | | 161-515 | | | 1,000 | F~ | -C ' | | | YE . |
| _ | ω ₁₁ χ | Tuttle Avenue to Lockwood Ridge Road | 2L/D | | 11:372 | | | | | 1,010 | | 1,000 | F " | r D. | 21.03 | 31.17 | .17 |
| A | - U 4 | Lockwood Ridge Road to Longwood Drive | 2L/D | | 351,555 | | | | 2741-048 | 1:602:1 | | 1,000 | F- | r | 27.11 | 27.13 | (4) |
| = | N υ⋅5 | Longwood Drive to 1-75 | 2L/D | | :32:204 | • | | | 42:549 | • | | 1,000 | £, | r | 30.21 25.26 | 21.70 | f# N |
| | | • | ,- | , 0 21 | | 2,0400 | 243 | 1112 | | m, m 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | ·1,030 | 1,000 | r | r | 23.20 | 18.19 | to s |
| (Page | | Desoto Road | | | | | | | | | | | | | | | |
| ub Ga3 | з1 | Old Bradenton Road to U.S. 301 | 2L/C | 1.00 | T11 734 | 803 8 | 75 47 | An. | 818, 781 | 84433 | 5 770 | 810 | £ D | F | | | _ |
| | D · 2 | U.S. 301 to Tuttle Avenue | ZL/C | | 376 793 | | 87 40 | | 13- 833 | | S 810 | 770 | ₽Ľ, | | 9.04 | 9.23 | tera |
| 9 | D · 3 | Tuttle Avenue to Lockwood Ridge Road | 2L/C | | 413 379 | | 67 19 | | 47. 398 | • | 39 810 | | £. | C. | 6.15 | 11.15 | '(₹ ≯ |
| o Fi | | Aller to Fockhood Kidge Hold | ZL/C | 0.,0 | יווב כודי | 540 C | . 14 | 22 | 4-1/2 23.0 | ETU-2 (| 37 010 | 770 | £- | C. | 2.92 | 4.23 | tio |
| N | | Longwood Drive | | | | | | | | | | | | | | | |
| (4) | 0.4 | Lockwood Ridge Road to University Parkwa | v 2L/C | 2.00 | 460 425 | 388-4 | 34 33 | 23 | 973 4 58 | 44445 | 7 910 | 870 | c۳ | c - | 4.29 | 3.15 | Hú |
| | | | | | | | | | 117 434 | 711 | 710 | 870 | · | · · | 4.49 | 3.13 | 140 |
| • | | <u>U.S. 301</u> | | | | | | | | _ | - | | | | | | |
| | US-1 | Tallevast Road to University Parkway | 4L/D | 1.00 % | 171-196 | 4,22813 | 48 49 | 401 | 116 -544 | 1,277 | 2 080 | 2,020 | c, | c. | 3.54 | 2.58 | N.C. |
| | us-2 | University Parkway to Desoto Road | 4L/D | | | 1,451 10 | | | | 1,564172 | | 1,780 | Fν | æ D | 4.46 | 6.73 | |
| | | , ., | ,,,, | 0.2561 | , | 1,421 | | 1132 | 6/3/4/20 | ()20417- | *1,000 | 1,100 | r · | ں عد | 4.40 | 0./3 | 452 |
| | | Juttle Avenue | | | | | • | | | | | | | | | | |
| | Tu-1 | Tailevast Road to University Parkway | 2L/D | 1.00 | 314 278 | 228 2 | 37 59 | 41 | 373 329 | 26977 | 8 910 | 870 | c' | C۶ | 4.04 | F 47 | |
| | 1u-2 | University Parkway to Desoto Road | 2L/C | | G7 199 | | 107 | | 774 102 | | 770 | 810 | C, | C- | 6.94 20.58 | 5.13 | |
| | Tu-3 | Desoto Road to 27th Avenue | ZL/C | | 73 476 | | 12 34 | | . / 510 | | . 870 | 910 | C. | | - | 23.69 | |
| | Tu-4 | 27th Avenue to Ringling Boulevard | 2L/C | | 73 476 | | 2 16 | | <89 492 | | | | C · | C. | 4.66 | 6.36 | |
| | 14 | ar an interior to utuating bodicatin | £L/L | 1.30 | (> 410 | #37 (| - 10 | 23 - | אלף נפר | -20% 13 | 3< 870 | 910 | C. | €. | 2.19 | 2.99 | ١. |

| V., | UC 2 | 21 11 | Cl a | <i>,</i> ,, | 010 | UZB () | 19 00X | 837 CE | > 69 | OR SCI | L. 4K2 | איים אויים | , 00 1 | 4/ 12 | vacal. |
|-----|------|-------------------------------|------|------------------|------------------------------------|--------|--------------|---------------------------------|--------|---------------------------------|--------|--------------------------|--------------------|-----------------------|--------|
| | SC | Project Service Project | | N8768 Deak Ho | ŽB\NB IDBCĮ <i>IX</i> S 6e9K | | bea k | Tot P.H. Hour Vo HB/EH | Peak | (o14 .M.9 V 100H 83\8W | Peak | Backgi P.M. Hour V | tu lu Length | Existing Lenes/LOS | |
| | | | | | | | | | | (b s ựni | | | | | |
| | | | | | | | OH2 | 1110807 | | Y CORROCK | - | | HIIM Y66 | LI | |
| | | | | | ٠ | | • | | 3,13,0 | U.D., A. | , u | I m | | ,, | |
| | | | | | | | | | | 11.11 | TABLE | - | | | |

| | | _ | | | 2,432 5,250 | . \9\ <u>€</u> | | , week | | | 31-1 |
|---------|-------|------------|------------|--------|-----------------------------|----------------|-----------------------------|-------------------------|-------|--|------|
| ON 27.2 | 2.39 | √ 3 | <i>~</i> 3 | 052*\$ | 2.438 5.250 | 175 5-631 | 99 A.P. OIE.S | 218,5 Light | 3/19 | University Parkway to C.R. 780 | 2-1 |
| 47.74 | 67.2 | 3 ر | وہر | 9,250 | 0\$2' \$ \$96'\$ | 2172 ZL | 501 2761 269't | E1E.5 00.2 | 3/19 | 1-75 5.8. 70 to University Parkway | 1-1 |
| ₽N 70°£ | 81.5 | ∠ 3 | ∕ 3 | 028,1 | 051'1 HH 100 | 625 71787 | \$\$ 156. \$\$\$ | 5.00 G79 548 | לר2/כ | Described to 21th Avenue | £-7 |
| ON 75.9 | 26.7 | ر ر | ~3 | 079'1 | 072,1279885 | 151 450 466 | 88 255139 | 117 264 OS'O | 3/e17 | University Parkway to Desoto Road | 2-1 |
| ov 95.7 | £1.11 | ₫ 3. | ~3 | 016 | 078 Qf8 862 | 857 CHS 29 | 68 BLL 185 | 69₹იუ _ბ 00°t | ₫/îz | Totkwood Ridge Road Tellevast Road to University Parkway | 1.7 |

Level of Service standard based on maintenance responsibility.

INGER ROSOWBY LINK

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² from 1001's "Generalized Hourly Peak Directions Layes of Bervice maximum Volumes 144, Florida's Urbanized Areas, Counter-peak (off-peak) service volumes celculations are appended. Copies of all appropriate counter-peak celculations are appended.

³ Committed improvement for 1989. FT SAF.

TABLE 31.15 7 FLATET 1994, ROADWAY IMPROVEMENTS T University Commons

| | | | | 1994 | Background Trafi | fic | - | | | 1994 With Projec | : t | |
|---------------------------------|---|--------------------------------------|---------------------------|--------------------|---|--|---|----------------------------|--------------------|--------------------------------------|---------------------|--------------------------|
| Link <u>Index</u> | Roadway Link | Existing Lanes/LOS ¹ | LOS BE Improv MB/EB | ement | Required Improvement ² | LOS A Improv NB/EB | ement | LOS Be Improv NB/EB | fore ement | Required Improvement ³ | LOS <u>Impro</u> | After vement SB/WB |
| U-1 U-2 U-3 U-4 U-5 | University Parkway Old Bradenton Road to U.S. 301 U.S. 301 to Tuttle Avenue Tuttle Avenue to Lockwood Ridge Road Lockwood Ridge Road to Longwood Drive Longwood Drive to 1-75 | 2L/D 2L/D 2L/D 2L/D 2L/D | D F F F | 0 € C F F | المحال ا | J. 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 | ر د د د د د د د د د د د د د د د د د د د | 0 C C C -9 C C | جود د د د | Widen to 4L | - C - | -e - |
| D-1 D-2 | Desoto Road Dld Bradenton Road to U.S. 301 U.S. 301 to Tuttle Avenue | Sr\c Sr\c | E E | E C | Widen to 4L Widen to 4L | c, | c r | C C | c c | ••• | ••• | ••• |
| us-2 | U.S. 301 University Parkway to Desoto Road | 41/0 | F | С | Widen to 6L | æ O | c ~ | æÞ | С | ••• | *** | ••• |

¹ Level of Service standard based on maintenance responsibility.

² Improvements required to accommodate 199% background trafficand reflect correct improvements under construction.

 $^{^{3}}$ improvements required in addition to those necessary to accommodate 199% background traffic.

I NO CHANGES IN IMPROVEMENT LOCATIONS DUE TO 3 YEAR EXTENSION (1994 + 1997), THE REVIEW NARIC 31.11.

SCREENLINE COMPARISON OF 1999 UPPOLET VOLUMES

TABLE 1

TABLE 1

TABLE 1

| A\H enoH | Э W/W | ∕3 V/H | 728 889 7/H | 4/H 4/H | A/H FS 241 | А\н 14 16 . | ን ባ ር ተ ኛፀ- V/ ዘ | 189 £97 V/H | A\W Of \ ,} | 0£9't VN | 0/15 V/H | O . | Č <u>beofiji</u> 13 isnevinu - beofinosnesit b 10 isnevinu - beofinosnesit bio | r-A |
|---------------------------|------------|------------------------|-----------------------|--|--|---|-----------------------------------|---|-----------------------|----------------------------|------------------------------------|----------|--|-----------|
| Widen to 4 Lanes Mone | ,a _a | j | ₹92 700 700 | | 01-05 20-10 | Glet ONIS | Lhi 572 286 907 | - 81\$ 859 - 196 958 | 008 008 | 028 028 | פר/כ פר/כ | O A | US 301 - Tuttle | 5-0 |
| valden to 4 Lanes Mone | , a | c E, | | 485412 | ्रम् ०2 व्या ०2 | 21 51 Lh19 | 919 85 5 | | | 008 008 | 51\c 51\c | n 0 | 107 .8.U · became for 10.8. 301 | 1.0 6 |
| | | | | | | | | | | | | | peog | 010890 |
| (bs11 zm o3) | | | | | | | | | | | | | | |
| Widen to 6 Lanes | , <u>3</u> | | 4551 1101 | 1 (52) 220¹ 1 1 (52) 220¹ 1 | 111E7E7 | 502.292 H02003 | 791111 791111 | | | | 0/19 G/12 | O. A | # 301 • Tuttle | z-n |
| | • | · * | - | | | | | | | | | | 311111 108 011 | • " |
| Widen to 4 Lanes | , 3 | _ ₹ 2 | 254/170 | 195415 | 16 87: 172 76 | 07 98 86 19 - | 20 101ft | | | | 51\0 51\0 | 0 | 102 8U - beoff motnebert bild | 1-N |
| | • | , | a ^t | 91.0 | • •• | 2 | | 22110 | | | | | IJIX Patherax | ग्रध्याया |
| Required Improvement | | 13781 Leek Ho b) | rusi K | 18101 10V TUOH 899 H9 | , | 129 [014 100 100] 1994 144 1997 157 1997 157 197 197 197 197 197 197 197 197 197 19 | 5 | Backgrown Kour Volum Kour Volum | | PH Pe HOUT CRO 13/61 | Exlating/ Committed Egolland | Sainensi | Anii yandaga | िक्षक्या |

The Hap 1-1 for link location.

^{2.0 =} Original readway network per DRI traille atudy i.e., no Altport Connector Road. R = Revised network includes Airport Connector Road and six laning of University Parkway from US 301 to Interstate 75.

³ Level of service standard based on maintenance responsibility.

⁴ from 1001's "Generalized Nourly Peak Direction" Lavel of Service Haximum Volumes for Florida's Urbanized Areas.

S Background and project volumes for this readusy were obtained by assigning 40% of background traffic from University Parkusy and Desoto Road and project traffic percentage as shown on Exhibit 3.

TABLE 31.11
17 Ph

199# WITH PROJECT P.M. PEAK HOUR TRAFFIC CONDITIONS University Compons

| Link Index | Boachuay Link ⁴ | Extating Lanes/LOS ¹ | Length In Hiles | Backg P.H. Hour \ HB/EB | Peak | Pro P.H. Hour V HB/EB | Peak | Tot P.M. Hour Vo NB/EB | Peak | | Peak spacity ² 5B/VB | P.H Peak Ho MB/EB | |
|-------------------|---|------------------------------------|-----------------------|----------------------------------|-------------------|--------------------------------|----------|---------------------------------|-----------------------------------|-------|---------------------------------------|-------------------------|-----|
| 1-3 | <u>Inilewast Road</u> Tuttle Avenue to Lockwood Ridge Road | 21/0 | 0.50 | 40 ¹ -380 | 3372 297 | 60(19) | 95(30) | 461(420) 440(399) | 427 (362) 392(327) | 910 | 870 | c | c ✓ |
| u∙3 | University Parkway Tuttle Avenue to Lockwood Ridge Road | 2E/D | 0.50 | 1/237 | 1,514 1,192 | 263(211) | 255(199) | 1950 (1897) 1,635(1,583) | 1769 (1713) 1,447(1,391) | 1,030 | 1,000 | √ F | F |
| ա _{Tu-1} | Intie Avenue Tailevant Road to University Parkway | 21/0 | 1.00 | 714 270 | 27,7 228 | 59(86) | 41(55) | 373(400) 329(356) | 278 (292) 269(2 83) | 910 | 870 | c ′ | c |
| [·1 | <u>Lockwood Ridge Road</u> Tallevest Road to University Parkway | 2L/D | 1.00 | 460 ·369 | 773 537 | 89(60) | 62(38) | 544 (576) 458(429) | 740(:16) 599(575) | 870 | 910 | ď | KD |

¹ Level of Service standard based on maintenance responsibility.

From FDOT's "Generalized Hourly Peak Direction" Level of Service Haximum 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 I

University Commons

| 1s 408, EOS | - ~ | 12 400,071 | | 72 OP1,72 | | Seneral Office |
|-----------------------------|-----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|--|
| I | Ţ | I | I | Ţ | Ī | Golf Course |
| 0 | 216 ksf | 0 | 108 Ksf | 0 | 108 K2£ | Wed. Off/Show |
| 42 Ksf | 45 Ksf | 0 | 0 | 42 K2f | 4S KSF | Support Office |
| (1)0 | 234 beds | 0 | ≥ Spad 8√ | 0 | spad 951 | fejiqeoH |
| 96 Ksf 48 Ksf 144 Ksf | 144 KSŁ 48 KSŁ 96 KSŁ | 34 K2E 54 K2E 10 K2E | 72 Ksf 72 Ksf 78 Ksf | 110 KZŁ S4 KZŁ 80 KZŁ | 72 Ksf 24 Ksf 48 Ksf | Med. Off. <u>Out Patient</u> Med. Ctr. |
| 65 Ksf | es ksf | 10 K2F | 10 K2£ | 22 K2L | 22 Kst | Commercial |
| 240 rooms | Smoor OAS | 0 | 120 rooms | 240 rooms | l20 rooms | Hotel |
| 240 beds | 240 beds | 150 beds | 1SO beds | 150 beds | 1SO beds | NS |
| suf OAS | suf OAS | suf 08 | sn[09[| 160 Jus | suf 08 | Эd |
| 20 Jus | suf 008 | sul SAS | suf 004 | suf 484 | sul 004 | ır |
| 0 | sub 001 | 0 | 0 | 0 | sub 001 | SELLiV |
| OUT - 2002 Alternative | <u>ADA</u> | II - 2002 Alternative | PHASE AOA | I - 1997 Alternative | PHASE A <u>da</u> | esu bnsd |

⁽¹⁾²³⁴ Hospital beds are provided for in General Office; the equivalency is 170,803 of of General Office

TABLE 2 ALTERNATIVE PHASE I LAND USES TRANSPORTATION EXCHANGES

University Commons

| Land Use | ADA | PHASE I - 1997 Alternative | <u>Change</u> | Required Trade Off | Exchange <u>Calculation</u> 1,2 |
|---------------------------------------|-----------------------------------|-------------------------------|-----------------------------|--|---|
| Villas | 100 dus. | 0 | 0 | | |
| 11 | 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. Out Patient Med. Ctr. | 48 ksf <u>24 ksf</u> 72 ksf | 86 ksf 24 ksf 110 ksf | +38 ksf 0 ksf +38 ksf | 79 Villas 21,311 Med Off/Show 127 Hosp. beds | 79 dus x 63.72 sf/du ² = 5,034 sf 21.311 ksf x 324.48 sf/ksf = 6,915 sf 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 | 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 |



Calculations based on whole numbers (i.e., fractional units excluded).
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.
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

| 158 lus x 27.43 sf/lus = 4,333 sf 80 lus x 27.43 sf/bed = 2,194 sf 120 rooms x 140.18 sf/rm = 16,821 sf 38.000 ksf x 1,721.80 sf/ksf = 65,428 sf 78 H beds x 353.19 sf/bed = 27,548 sf 108.000 ksf x 558.70 sf/ksf = 60,340 sf | suf 7JR 8ZR 80 PCF 7us 120 Hotel rooms 38,000 Med Off 78 Hospital beds 108,000 Med Off/Show | 12 #38,85[+ | }2 499,87[+ | | esitto faranaû |
|---|--|-----------------------------|----------------------------|----------------------------|--|
| A/II | A\N | 0 | ţ | Į. | esmuod llod |
| A\ti | A/N | -108 K2F | 0 | 108 K2L | Wed. Off/Show |
| A/N | A\N | 0 | 0 | 0 | Support Office |
| V/N | A\II | spad 87- | 0 | spad 87 | lestiqsoll |
| A\N A\N | A\# A\# | -38 K2L 0 K2L -38 K2L | 34 KZŁ 54 KZŁ 10 KZŁ | 72 KST 24 KST 48 KST | Med. Off. <u>Out Patient</u> Med. Ctr. |
| A\ti | A/31 | 0 | 10 K2E | IO KZŁ | (Ginnercia) |
| A\# | A\II | -120 rms. | 0 | 150 rms. | [9joH |
| ۷/۱ ۱ | A\N | 0 | JSO peds | 120 beds | NS |
| v/n | ٧/١١ | .suf 08- | . suf 08 | . suf 031 | Jd |
| V/II | A\H | -158 Jus- | .sub SAS | . zuf 00p | 11 |
| | | 0 | 0 | 0 | 261TiV |
| Exchange <u>Calculation</u> l | bəriupaA 110 əberi | aburu <u>j</u> | PHASE II - 2003 | AGA | <u>esU bneJ</u> |

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

| | Alternative | Waste | | ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ | ter | Solid N | | _ |
|--|----------------|--------------|-------------------------|---|-----------------------------|-------------------------|---------------------------|-------------------------|
| <u>Land Use</u> | <u>Phase I</u> | <u>Ratel</u> | Amount (mqd) | <u>Rate</u> ² | Amount (mad) | <u>Rate³</u> | Amount (1bs) | Employment ⁴ |
| Villas | 0 | 150 gpd/du | 0 | 150 gpd/du | 0 | 10 lbs/du | 0 | 0 |
| 11 | 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 1bs/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 | <u>93</u> |
| TOTAL Phase I ADA Phase I Percent of ADA F | Phase I | | .2215 .2320 95.5% | | . 2562 . 2620 97 . 8% | | 14,094 17,413 80.9% | 1,912 2,214 86.4% |

Rates 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

EXHIBIT "A" (Page 15 of 24)

REVISED
TABLE 21.1

AVERAGE DAILY FLOW OF WASTEWATER (MILLION GALLONS PER DAY/MGD) University Commons

| 015060 .060 .060030030030030030030008 |
|---|
| .015 .060 .012 .030 .023 .006 |

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.

Sources: Geyer, J.C. Linaweaver, Wolfe. Commercial Water Research Project The Johns Hopkins University, 1956; Metcalf and Eddy, Inc. Wastewater Engineering, 1972; Manatee County Department of Public Works; Department of Health and Rehabilitative Services.

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^{9.3} 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.

ta 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 I member from 80% of the total number of 1,100 dwelling and living units.

REVISED TABLE 13.1

AVERAGE DAILY POTABLE WATER DEMAND (MILLION GALLONS PER DAY/MGD) University Commons

| | Generation Rate | | | | |
|------------------------------------|----------------------------------|----------------|---------|----------|-------|
| Land Use | (gallon per day) | Existing | Phase I | Phase II | Total |
| 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 | 1 | 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 | o | 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 | 1 | 0:030 | 0.030 | 0.060 |
| Hospital | 300 gpd/bed | ; | 0.047 | 0.023 | 0.070 |
| Medical Office | 0.18 gpd/s.f. | ļ | 0.000 | 0.000 | 0.018 |
| Out-Patient Services | 0.26 gpd/s.f. | ; | 0.006 | 0.008 | 0.012 |
| Medical Related Office Showroom | 0.09 gpd/s.f. ² | i | 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 |

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

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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. C4

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 Sources:

REVISED TABLE 24.1

ESTIMATED AVERAGE DAILY SOLID WASTE GENERATION University Commons

| THE PROPERTY OF THE PROPERTY O | TOTAL | Existing Shapping Center 4 lbs./100 s.f./day | Medical Related Office Showroom 2 lbs./100 s.f.2 | Out-Patient Services 1.5 lbs./100 s.f. | Medical Office 1.6 lbs./100 s.f. | Hospital 18 lbs./bed | Hotel 3 lbs./room | Commercial 4 lbs./100 s.f. | General Office 1.5 lbs./100 s.f. | Activity Center 1.5 lbs./100 s.f. | Skilled Nursing Facility 18 lbs./bed | remonal Care racility 8 lbs./unit | icility | | los Cos |
|--|-------------|--|--|--|----------------------------------|----------------------|-------------------|----------------------------|----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|------------|--------------|------------------|
| | 10,000 lbs. | 10,000 lbs. | : | i | ; | ; | 1 | ; | 1 # 1 | \$ \$ \$ | # # # | i | 2 † | \$ \$ | Existing |
| | 17,413 lbs. | | 2,160 lbs. | 360 lbs. | 720 lbs. | 2,808 lbs. | 360 lbs. | 2,200 lbs. | 675 lbs. | 1,130 lbs. | 2,160 lbs. | 640 lbs. | 3,200 lbs. | 1,000 lbm. | Phase I |
| | 12,044 lbs. | | 2,160 lbs. | 360 lbs. | 720 lbs. | 1,404 lbs. | 360 lbs. | 400 lbs. | : : | ; | 2,160 lbs. | 1,280 lbs. | 3,200 lbs. | ; | Phase II |
| | 39,457 lbs. | 10,000 lbs. | 4,320 lba. | 720 lbs. | 1,440 lbs. | 4,212 lbs. | 720 lbs. | 2,600 lbs. | 675 lbs. | 1,130 lbs. | 4,320 lbs. | 1,920 lbs. | 6,400 lbs. | 1,000 lbs. | Project Total |

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.

Incinerator Institute of America, 1968; State of Florida Solid Waste Management and Resource Recovery Technical Assistance Handbook. Department of Environmental Regulation, Oct. 1976; Liptak, Bela G. Environmental Engineers Handbook, Volume III, 1974.

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office and office showroom uses. The office showroom generation rate is weighted based on a comparison of the density of employees per square foot for

REVISED TABLE 20.4

NON-RESIDENTIAL PERMANENT EMPLOYMENT AND PAYROLLS! University Commons

| SIC Group | Phase I Employment Payroll | Pavroll | Phase II Employment P | Payroll | Total Employment Payroll | Payroll |
|-----------------------------|-------------------------------|---------|--------------------------|----------|-----------------------------|---------|
| 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) | 9 | 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 | 1.2 |
| Hospital (80) | 406 | 8.5 | 203 | 4. £. | 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 |
| | | | | | | |

lEmployment in total numbers and Payrolls in \$ Millions.

Revised October 1990

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REVISED TABLE 31.8

UNADJUSTED (GROSS) VEHICLE TRIPS! University Commons

| Office/Showroom | General Office or | Alternative Business Center? | PROJECT TOTAL | Shopping Center | Existing Development | Office Showroom (medically related) | Out-Patient Services | Medical Offices | Personal Care Facility | Skilled Nursing Facility (a public service) | Hospital | Medical Center | Golf Course | Hotel | Support Office | Support Commercial | Independent Living Facility | Retirement Housing | Retirement Center | Land Use |
|-----------------------|-----------------------|------------------------------|---------------|-----------------|----------------------|--|----------------------|---------------------|------------------------|---|-------------------|----------------|-------------------|---------------------|---------------------|---------------------|-----------------------------|--------------------|-------------------|---|
| 285,966 sf/639,894 sf | 148,743 #f/305,719 #f | | | 250,000 at | | 108,000 af/216,000 af | 24,000 sf/48,000 sf | 48,000 sf/96,000 sf | 80 lus/240 lus | 120 beds/240 beds | 156 beds/234 beds | | 60 acres/60 acres | 120 rooms/240 rooms | 45,000 sf/45,000 sf | 55,000 af/65,000 af | 400 lus/800 lus | 100 dus/100 dus | | Development Unita (Phase I/Phases I and II) |
| 1,775/3,565 | 1,847/3,171 | | 27,556/34,270 | 13,139 | | 715/1,252 | 571/1,142 | 1,553/3,519 | 172/515 | 304/651 | 2,790/5,573 | | 338/338 | 997/2,053 | 753/763 | 5,038/5,616 | 858/1,716 | 330/330 | | Daily Trips 2 |
| 33/62 | 44/80 | | 1,006/1,297 | 482 | | 15/24 | 61/122 | 45/95 | 8/23 | 19/39 | 45/76 | | 2/2 | \$1/80 | 16/16 | 224/244 | 38/76 | 20/20 | | P.M. Peak |
| 242/452 | 230/418 | | 1,354/1,792 | 544 | | 106/174 | 61/122 | 123/256 | 6/19 | 23/46 | 73/124 | | 21/21 | 28/65 | 85/85 | 239/254 | 31/62 | 20/20 | | P.M. Peak Hour Trips ² |

I Trips based on Institute of Transportation Engineers Trip Generation, 1987. Trips calculated based on actual equations when available and appropriate.

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Gross trips provided as Phase I/Phases I and II.

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 bour 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.

REVISED TABLE \$1.9

1994 P.M. PEAK HOUR VEHICLE TRIPS1 (PHASE I) University Commons

| | Ä. | P.M. Peak Hour | • | ٠. | Pag | Passerby Captured | | | Net E | Net External |
|--|------------|----------------|-------------|----------|-----|----------------------|----------|------------------|----------|---------------|
| Land Use | | In Out | | Internal | 디 | Trips In Out | 티티 | Transit n Out | Vehic | Vehicle Trips |
| Retirement Center | | | | | | | | | | |
| Retirement Housing | 8 | 20 | O. | w | • | ı | | 1 | 11 | . 99 |
| Independent Living Pacility | 8 0 | 31 | 26 | 11 | • | • | , | , | 13 | 7. |
| Support Commercial | 334 | 233 | 12 | 15 | 98 | 102 | • | • | 111 | 116 |
| Support Office | 16 | 85 | н | ¥O. | • | • | 1 | 1 | 14 | 80 |
| Hotel | 25 | 28 | 63 | *3 | 1 | ı | బ | ф | 77 | 19 |
| Golf Course (60 Acres) | ** | 21 | | T | ı | 1 | • | , | | 10 |
| | | | | | | | Subtotal | otai | 171 | 254 |
| Medical Center | | | | | | | | | | |
| Hospital | 45 | 73 | 16 | æ | • | , | , | , | 28 | 67 |
| Skilled Nursing Facility | 01 | 13 15 | * | ь | ı | • | * | , | 15 | 18 |
| Personal Care Facility | œ | Ф | * | n | ŧ | • | | | 4 | •>> |
| Medical Offices | 45 | 123 | O. | 15 | , | • | • | , | 38 | 108 |
| Out-Patient Services | 19 | 19 | n | n | • | ı | , | ı | 10 20 | 82 |
| Office Showroom (medically related) | 10 | 106 | - | w | ı | | ı | 1 | * | 립 |
| | | | | | | | Subtotal | ot ad | 156 | 355 |
| Existing Development | | | | | | | | | | |
| Shopping Center | 482 | 179 | '1 | 1 1 | 167 | 178 | 11 | 11 | 325 | 366 |
| PROJECT TOTAL | 1,008 | 1,354 | 86 | 88 | 265 | 280 | æ | 9 | 652 | 976 |
| Alternative Business Center 2 | | | | | | | | | | |
| General Office | \$ | 230 | • | | , | 1 | | ı | # | 230 |
| Office/Showroom | 23 | 242 | • | , | • | • | ı | | 3 | 242 |
| | | | | | | | | | | |

¹ See appended Transportation Methodology Statement for internalisation details.

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24)



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.

REVISED TABLE 31.10

1999 P.M. PEAK HOUR VEHICLE TRIPS¹ (PHASE II) University Commons

| Office/Showroom 63 452 | General Office 80 418 | Alternative Business Center? | PROJECT TOTAL 1,299 1,792 170 170 | Shopping Center 482 544 | Existing Development | | Office Showroom 24 174 1 9 (medically related) | Out-Patient Services 122 122 6 6 | Medical Offices 95 256 16 30 | Personal Care Facility 23 19 12 10 | Skilled Nursing Facility 39 46 16 18 | Hospital 76 124 31 11 | Medical Center | | Golf Course (60 Acres) 2 21 1 11 | Hotel 80 65 8 6 | Support Office 16 85 2 8 | Support Commercial 344 254 23 34 | Independent Living Facility 76 62 47 32 | Retirement Housing 20 20 7 5 | Retirement Center | P.M. Peak Hour Gross Trips Internal Land Use In Out In Out |
|------------------------|-----------------------|------------------------------|-----------------------------------|-------------------------|----------------------|----------|--|----------------------------------|------------------------------|------------------------------------|--------------------------------------|-----------------------|----------------|----------|----------------------------------|-----------------|--------------------------|----------------------------------|---|------------------------------|-------------------|--|
| 1 | 1 | | 298 | 191 | | | , | • | | | | | | | | 1 | | 107 | 1 | | | C P |
| • | | | 326 | 215 | | | • | | ŧ | ŧ | | | | | ŧ | , | ÷ | 111 | ı | • | | Captured Trips In Out |
| 1 | | | 16 | 1: | | Subtotal | , | | | • | 1 | 1 | | Sub | | 16 | į | , | | | | |
| 1 | ŧ | | 19 | Į: | | otal | ŧ | • | ŧ | t | • | 1 | | Subtotal | ŧ | 13 | , | 1 | ı | • | | Transit In Out |
| 62 | 80 | | 815 | 291 | | 297 | 23 | 116 | 79 | 11 | 23 | 1 65 | | 227 | _ | 56 | 1.4 | 114 | 29 | 11 | | Net E Vehicl |
| 462 | 4 18 | | 1,289 | 329 | | 657 | 165 | 116 | 226 | v | 28 | 113 | | 297 | 6 | 46 | 77 | 119 | 30 | 15 | | Net External Vehicle Trips In Out |

¹ See appended Transportation Methodology Statement for internalisation details.

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² Business Center external vehicls 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.

REVISED TABLE 31.8 (3/12/9L) UNADJUSTED (GROSS) VEHICLE TRIPS¹ University Commons

| Land Use Retirement Center Retirement Center Rotisemant Houring Independent Living Facility Support Commercial Support Office Hotel | Development Units (Phase 1/Phases I and II] -100 des/ 100 dus 72.4 -100 has/ 869 lus 55,000 sf/ 55,000 sf 45,000 sf/ 15,000 sf 7240 126 rooms/210 rooms 118.4 118.5 - 90 acres/ 869 acres | Daily Trips ² -830/330 -858/1,716 5,938/5,916 758/763 907/9,953 | P.M. Peak 10. 20420 44. 48/76 124/244 16/16 80-31/80 | P.M. Peak Hour Trips ² 10. 20/20 28/76 28/76 33.81/62 134/244 133/254 16/16 86/86 31/80 45,28/66 |
|---|--|--|---|---|
| Medical Center Hospitad Skilled Nursing Facility (a public service) | -1 56 kads/234 beds 120 keds/240 beds | 2,780/5,575 | 16/78- 19/39 | 73/124 23/46 |
| Personal Care Facility Medical Offices Out-Patient Services Office Showroom (medically related) | 24,000 48,000 at 24,000 at 24,000 at 408,000 | 179/616 1,658/0,519 571/1,149 719/1,489 | \$5/2F ##/91- 221/19 \$6/97-56 \$2/8-51 | 13. 8/19 22.8.113/256 81/122 106/1714 59/26/1 |
| Existing Development Shopping Center PROJECT TOTAL | 150,000 af | 18,139- 37,556/84,970- | 482 4890/4-197 | 544 +354/+797 1757/ 078/ |
| Ganoral Office of Office/Showroom | <u>-148,748-ef/808,718-rf</u> - <u>1851,908-ef/820,804-ef-</u> | 1,941/5,111 1,946/8,666 | #/89- #/65- | 230/418 |

¹ Trips based on Institute of Transportation Engineers Trip Generation, 1987. Trips calculated based on actual equations when available and appropriate.

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² Gross trips provided as Phase I/Phases I and II.

³ Business Center square footages based on maximum square footage of either Ganeral 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 wes 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.

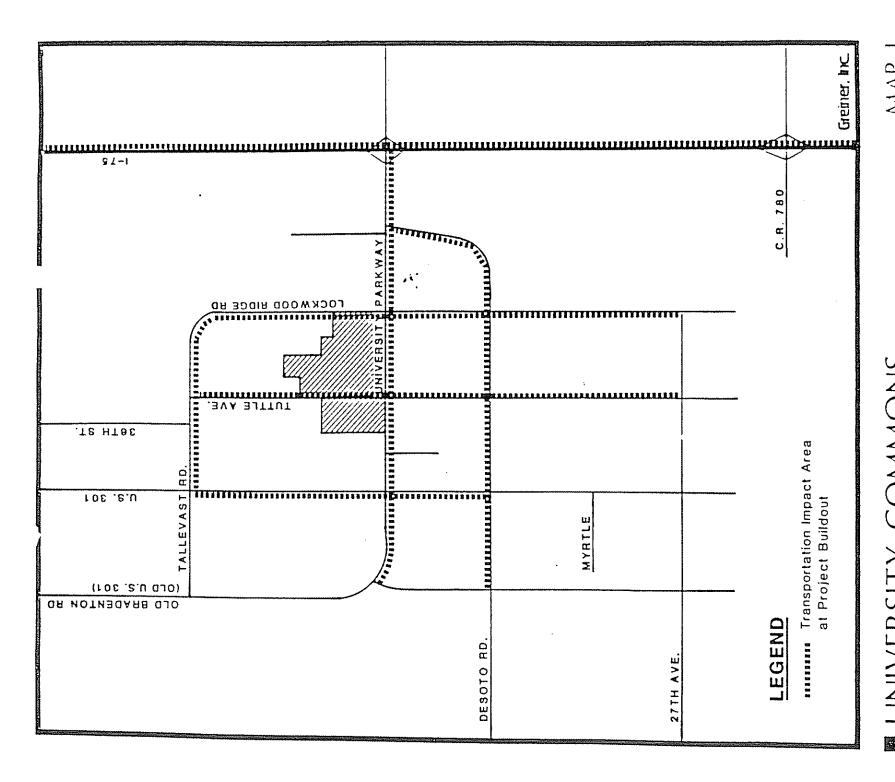
REVISED TABLE 51.9 (3/(2/52) 1994 P.M. PEAK HOUR VEHICLE TRIPS¹ (PHASE I) University Commons

| Office/Showmon | Canoral Office | Albernative Business Conter? | PROJECT TOTAL | Shopping Center | Existing Development | Lever Stree | Office Showroom | Out-Patient Services | Medical Offices | Personal Care Facility | Skilled Nursing Facility | Hospital | Medical Center | | Golf Course (60 Acres) | Hotel | Support Office | Support Commercial | Independent Living Facility | Retirement Housing- | Retirement Center | Land Use |
|----------------|----------------|------------------------------|------------------------|-----------------|----------------------|-------------|-----------------|----------------------|-----------------|------------------------|--------------------------|----------|----------------|----------|------------------------|--------|----------------|--------------------|-----------------------------|---------------------|-------------------|---|
| 8 | # | h | 10+2 -1,808 1370 1,384 | 482 | | <u>(1)</u> | ŧ | 61 | 37.48 | <i>ī</i> √ | 10 | † | | | ы | 30 81 | 16 | 224 | 7 3 | * | | P.M. |
| # | 130 | | | 544 | | γ, V | * | 61 | 22843 | 4 5.1 | 23 | 13 | | | 21 | φ # | 85 | 13 14 14 | 38-31 | i [†] | | P.M. Peak Hour Gross Trips In Out |
| B ä | • | | (02 85 IJ 2 85 | · | | (/ | 4 | 16864 | [+ 8 2718 | 74 08 | 5 | a 4 | | | 1 11 | 34 64 | 53 | 15 15 | 32 28 21 17 | 4 | | Internal In Out |
| ٠ | 1 | | 266 | 167 | | | | , | • | | , | | | | ı | , | • | 86 | | | | Passerby Captured Trips In O |
| | , | | 280 | 178 | | | ı | ŧ | ı | ŀ | | , | | | ı | , . | • | 102 | ı | . 1 | | asserby aptured Trips Out |
| ı | • | | 4 | 1: | | 844 | , | ı | ٠. | 1 | 1 | 1 | | Sub | | ī d | ı | | | ŧ | | T di |
| • | * | | 13-6-0 | 11 | | Sabtotat- | ŧ | ı | • | | 1 | | | Subtotal | • | 4 | ı | ı | | , | | Transit In Out |
| # | ‡ | | 669687 | 325 | | 2 281 | 1 | 55 60 | 3 6 | * | 15 | * | | 171 | _ | 22 | 14 | 111 | 12 | ‡ | | Vehici In |
| 43 | 280 | | 976 | 366 | | ## A 5 | 4 | 55 80 | 108 | to | 8 | 4 | | 254 | la, | 19 | 80 | 116 | | # | • | Net External Vehicle Trips In Out |

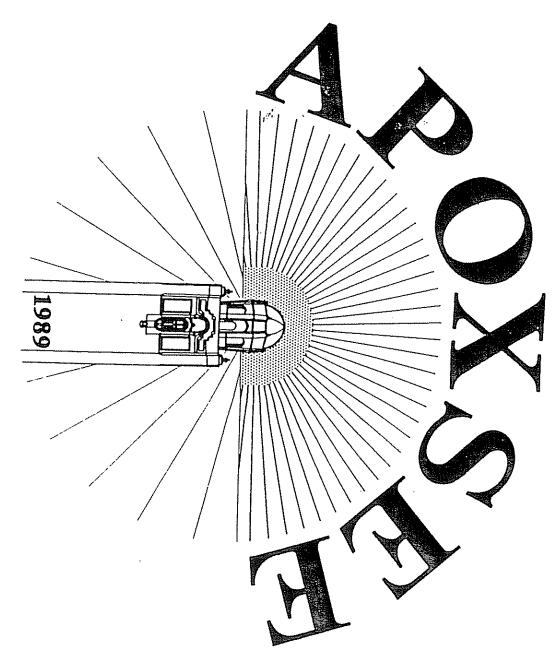
Revision Date 7/90

See appended Transportation Methodology Statement for internalisation details.

F.3 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.

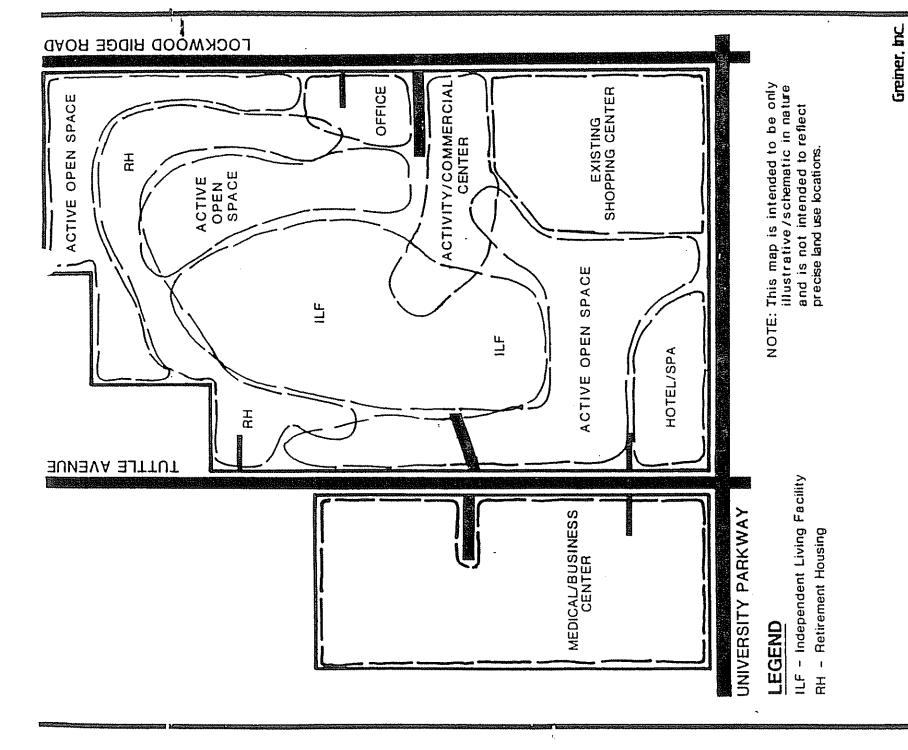






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EXHIBIT "C" (Page 1 of 99)



UNIVERSITY COMMONS

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EXHIBIT "D" (Page 1 of

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> ADOPTED: OCTOBER 1, 1991

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FILED:

ORDINANCE OCTOBER 1 Effective:

. Ö 91--39 -устовек 11. 1991

SEWER USE

ORDINANCE

AN ORDINANCE OF MANATEE COUNTY WASTEWATER DELIVERY. TREATMENT AND COVERING THE USE SE DISPOSALTSYSTEM TO YAATA, THE GOUNTY

FOR FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL PROVIDING CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; REGULATING HAULERS OF AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROHIBITIONS PROVIDING USAGE ORDINANCE AN ORDINANCE FEES 얶 AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; FOR AN EFFECTIVE DATE AND FOR SEVERABILITY 88-01, SETTING FORTH THE NECESSITY FOR CONTROL OR THE FOR USE AND LIMITATIONS OF MANATEE COUNTY, 유 H SEPTAGE; PROVIDING FOR PERMIT PUBLIC WASTEWATER SYSTEM; SETTING FORTH ON USE OF THE COUNTY SYSTEM: SETTING FLORIDA, SUPERSEDING AND REPLACING FEES AND PROVIDING OTHER

Laws Florida, and Che Commissioners Chapter Statutes, Department," together Wastewater System State o th WHEREAS. Manatee 2-31, Article With as amended, the ę, pursuant Florida, the provisions of Manatee resolutions duly adopted Couty) County the III. Sections 51 through under R H ដូ and County, provisions of Chapter 153, of Manatee, the the of County Ordinance other the "Manatee provisions owner applicable Florida: and operator D Å. political o H County and the Chapter provisions 82-1 Board S o, Public Works subdivision (codified Ö, Ø 63-1598, e E Florida the County County 0 Code Laws O ! 1, o 0

the State of Florida Department of Health and WHEREAS, pursuant to Sections 381.272 and 381.273, privately syster for sewage disposal, including septic and Rehabilitative Services is responsible Florida Statutes, onsite owned

1 Regulation WHEREAS, Manatee County has agreed to an EPA and DER th e provisions of which must be in accordance with EPA a sewer use ordinance, enact ដ 40 CFR 35.2103; and requirement grant

WHEREAS, the Board of County Commissioners gave notice the public hearing on an ordinance covering the use of said hearing. County's wastewater system and duly held n

In accordance with the foregoing and for the purposes II ORDAINED by the Manatee follows: of County Commissioners, as herein stated, NOW THEREFORE, BE County Board

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EXHIBIT "E" Page 5 of 54

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ARTICLE I

STATEMENT OF PURPOSE

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ARTICLE II

DEFINITIONS

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- 13 O U 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.
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- 1.3 04 CATEGORICAL STANDARDS: Pretreatment Standards 3 Ø ans C. е П Naci ona. • \cap are OQ. 071 0 ٠...
- 13 0 Ū COOLING WATER: such as air con for which hear hear enditioning, cooling, or is the major pollutant. discharged fr non (D) 다. any 0 C. O t/s ч æ
- C.1 0 S COUNTY: Manacee Means the Boar County Florida, thereunder. Means Board ρι o Þ a. H Count a 1 1 o f Commissioners the various d d D O ש ы L.1 IJ ä
- :) \circ ~1 CUSTOMER: Means a System. апу C S Φ 17 О H **F**1 ⇆ æ Mana e C ſĎ \cap מטחד
- O $\overline{\infty}$ DIRECT DISCHARGE: Means treated sewage or vastewat the State of Florida. IRECT DISCHARGE: 0 7 4 0 ρ. ο. li s 0 a c p 1 1 1 1 1 1 1 1 , oo r 0 0 243 ۲Ť the vace: 7 B 0 0
- 9 DIRECTOR: Means the Works Department, or or representative. Dir ID. a n п п ho m of th n Ω. Manat eputy, (D agent County u 5
- 13 10 DISSOLVED SOLIDS OR DISSOLVED MATTERS: solid matter in solution in the wastew be obtained by evaporation of a sample suspended matter has been removed by full determined by the procedures in "Stand". n of a sample from which all removed by filtration as res in "Standard Methods." wastewater that Means can
- t J **|----**DOMESTIC SEWAGE: commercial or non results from norm results is subst hose OK substantially plose typically proceed typically procedure in the sanit AGE: Means the sewage produced from non-industrial activities, and who normal human living processes, and ally similar in origin and strength lly produced in households, including 'n 2 ٠į enı n 5 æ in and strength olds, includin from STUM 0 いてはか non J

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- n S 7. i O also 日日 0 ЫĽ ency term may al ministrator PROTECTION AGENCY stes Environmental late the term may a 00 nt said d d ENVIRONMENTAL PROTECLL the United States Envi ų, or the appropriate nation for t 9 Sign d e L1 •---4
- rd Environ o fr Department Florid Means ation DER FDER 3 •---4 ۲٦
- and 8 of E 0 ic sal U)) III S B III S D 4 the and ø ω 60 - 0 lid vaste from tion, cooking, handling, sto fro d va: solic aratic Means o. pre commercial food, and f • • GARBAGE roduće food, 4 7 CI
- ank: s, w b0 -- 1 --holdin tra campers, trucks. vaste HOLDING TANK WASTE: Means any was such as vessels, chemical toilets, septic tanks, and vacuum-pump tank S) -1
- 0 Contr and ealth tion (HET 44 -4 0 0 Ω, IJ rment its State Depart Renabilicative Servi Division. Ģ --

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- <u>ф</u> INDUSTRIAL PROCESS WASTE: Means waste product companies manufacturing a product or providing a service such as: aluminum forming, coil coating, coiforming, 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, and naperboard, automobile and transmission chemical etching and 0 пd Ą 다 0 다 0 le and transmissichemical etching, alkaline cleanince (secondary silven embalming nro---. u 9 H G H i, anodizing iircuic boar photograph CHI matching, omes (whole organic chemicals film developing, claundries and dry paper and paperboarepair and service milling, printed chemical matching, funeral homes (who . ∞ prckli and .17
- 1.3 144 s vho 8 business County from a by Mana 0 E 7 Te C 0 INDUSTRIAL USER: Means any person introduces pollutants into the Mana Works Sanitary Sewer Collection Sysnon-domestic source which is regular County's Sewer Use Ordinance. 2.18

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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. Suidelines, 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. الله بيا S IJ Ö U C 44 О J a. □ ·rf CONTRI or disruptio which contr the County' ы О e inhibition or or or operation sequirement of s i Act ,
ton, Research,
e Control Act, or
teria (including the
"anagement plan p INTERFERENCE: Means the inhibition the treatment processes or operation of any requirement permits. The term includes preven ар Бу Q,

Ö property County no MANATEE faciliti wastewater within the lities and A 0 L COUNTY WASTEWATER owned. and in t service incere operat ct the future and used to p to existing and future area of Manatee County. 'nе S future managed or ure and used SYSTEM OR SYSTEM: and and person controlled provide custome 11 2 Áq ρı: ij **--**

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- 13 **...** MAXIMUM CONCENTRATION: amount of a specified water or wastewater. pollutan Means the the n a maximum | n_a define permi olum olum ā U -0 m
- 10 1.3 13 MCPWD: Department Means the Manate Φ Count 4 Public Sork
- 1.0 13 u NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDAARDS: Means any regulation containing pollutant discharge limits promulgat the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) whice applies to a specific category of industrial us n D ч O.
- 13 5 pond, ditch, groundwater. NATURAL OUTLET: lake Mean 0 ocher outl body let О ħ μ. חה surface 0 A B C C 940 ater 011 Ä (S

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- 13 S section, provi at which no ot or production pollutants at or (c) the pro processes are source at the after the standards will be ap are are NEW ns ther SOURCE: SOURCE: Means is tallation of the publication e applicable to such sereafter promulgated in provided that (a) the chart of the ch of which the cons under Section of proportion of proportion after not proportion in the constant of the consta production or are substantial the same site. an existing source equipment that iall f proposed pretage 307(c)(33 U.S.C. 1317) which standards uch source if such standards ted in accordance with that (a) the construction is a sale is located; (b) the processe is located; and the discharge of th wastewati lly indepi ier п О. ructure, gener eting of an proces æ × 'n k) H 0 rt Ø (A n а. п Hi (S n n Ω. Þ υQ
- ŧ..) 13 9 bath, lafrom rea laundry, garbage disposal, esidential properties and Me ans si he di to n n o) m b i har n e (PQ) Φ M D.
- 27 of the S Federal P S.C. 1342) Means ρj Wat O ermic Pollution J ט Co rsuan λc το ГŤ S n o 402
- 13 ဏ PAS Cou Flo lounty treatment plants lorida in quantities or violation of any requipples permit. -THROUGH: Means equirement ω 0 disc into waters concentrations ements of Mana harge which the S ū which caus במב Mana O п 0 OT TO m n

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EXHIBIT "E" Page 9 of 54

an an C ort la entity, or The masculi the singular .p. or co society, PERSON: Means any individual, partnership, or control partnership, firm, company, association, society corporation, joint stock company, trust, estate, governmental entity or any other legal entity, their legal representatives or agents. The mast gender shall include the feminine, and the singushall include the plural where indicated by the O. c_1

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- sree of acidity base 10) of the equivalents essing the degree logarithm (baions in gram e expres g the ogen i pH: is a symbol for exor alkalinity, meaning concentration of hydrogoner liter of solution. 0
- an an nerator residue itions, chemica aterials, rock, d agricultural other material environment POLLUTANT: Means solid waste, incinerator resisewage, garbage, sewage sludge, munitions, chembiological materials, radioactive materials, resand, dirt, industrial materials and agriculturwaste discharged into water or any other matericapable of degrading local normal environmental conditions upon introduction to the environmental ٣.
- The wastevater PRETREATMENT: Means the reduction of the amount of pollucants, the elimination of pollucants, or the alteration of the nature of pollucants, in wastewate to a less harmful state prior to discharging or othe wise introducing such pollucants into the system. I 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).
 - 7 - 61 collecting 1, maintain :y and not 0011 e d r 1.1.6 0.00 □ a ∪ Mear insta the C PRIVATE SEWAGE DISPOSAL SYSTEM: treating, and disposal facility and owned by persons other than connected to the public system. ന m

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- the have > 0 PROPERLY SHREDDED GARBAGE: Means the wastes from the preparation, cooking, and dispensing of foods that been shredded to such a degree that all particles with carried freely under the flow conditions normally prevailing in public sewers, with no particle greate than one-half (1/2) inch in any dimension. t ጣ
 - **پر** پر m any domestic, is carried by an troduced into an uid wastes from

 1 source that i
 and may be int
 t facility. SEPTAGE: Means all liquid commercial or industrial somermitted waste hauler, and Manatee County treatment for S ന
- Q) 2002 ombination of the business building blishments. ก ผ NND SEWAGE OR WASTEWATER: Means carried wastes from residence institutions and industrial e Φ n
- £ 1.3 bur:sive mandatory is permis ermi ហ្វ ស ed ed t il thai a N ed means thus used means SHALL: When used cerm "may" when u m C.I

.38 SIGNIFICANT INDUSTRIAL USER:

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 through o 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, passentorough of pollutants, sludge contamination, or endangerment of Manatee County operators.) μ (A) て ひ ひ ひ ひ per indu V e O th day strial tha 20 0 ρί 111 Cha 9 П lent stant.
 lapter I, Subchapter age of an average or more of process was labeled who contribute appears to the stantage of th <u>a</u>. r I, Subc to oo r 0 -ewate or mo . o a r n any indu 25,000 ga er, or an င် ပြု f the any gallo 180 o H 0 D m 1. .
- ٠,٠ S μ. n H d d port C =) pon Ð dust r D and erat on a finding that an industrial user meeticential for adversely affecting the County ration or for violating any pretreatment time, on its own initiative, and in accordance of the county independent of the county may and the county may are considered to the county may are considered to the county may are considered that such the county may are considered to the considered to ent n tment may at accord วทร ma y rt in п :h :ria A 10 1 n no no 9 <u>.</u>

2.39 SIGNIFICANT NONCOMPLIANCE:

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 s for the ω n hronic onic violations of Man-limits, defined here percent or more of al-ing a six-month period t all o Manat par e X C ameter. fþ с р с р rp LD LD п Count d the a Se n e asureme discha エザカ n
- σ Technical rehere as those of all of the parameter talexceed dischaultiplied b BOD, Total S and 1.2 for exception of the measurements for each p caken during a six-month pe scharge limits, or the average by the applicable TRC (TRC) or all other pollutants with of pH.) each pollonth period average [C (TRC 1.2 violations, hree percent 43 ollurant
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- (n) Ω end Per limit alone 4 ŝ onne other violation t that Manatee C e or in combinar 00 er m rence ment or t n נים נים anatee Co 0 . . Pass-through (in the health of a seneral public of a p ron T y det termines has call other discharge (including an f Manatee County Lic.) eatme a has cha caus Ses. uen < Ф ă.
- Any immı nen rt n -10 d DI D ŝ ρQ o 619 m D æ Φ. Ħ pollut E1 \Box O hum ant an ~ har ⇉ n 1<u>1</u>5 ha I is 9 O W S welfar O

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- 0 -1 ũ rr) a c 디디 Man in icy sulted ø tent or has ritsemergency discharge. ment or to the environme County exercising i 10
- 0 = 10 ц 1 the schedu contained о Е constructi order for ti e to meet, within 90 days after compliance schedule milestone il mechanism or enforcement ord construction, completing cons starting construction, com attaining final compliance a control mechanism or Failure date, a
- CO after the due and reports or ovide, within 30 days a d monitoring reports, at the compliance schedules Failure to pro date, required compliance wit L. U (£)
- Q) anc noncompli eport ы **~** atel accur n O ø II. ---면 [3., (8)
- ø. o x50 נו ט C -T STANDARD METHODS: Means the current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time time by the American Public Health Association or 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 test: 07.
- 2.41 STATE: Means the State of Florida

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- ø 4 0 0 4 9 9 which car it exclud unpollut which but on un e, tha Q) > STORM DRAIN/STORM SEWER: Means a sestor and surface waters and drainage sewage and industrial wastes, other vater. cooling $^{\prime}$
- ng or duri מסגז m 00 LJ urring ecipir UH ů à flow crural STORM WATER: Means any following any form of na resulting therefrom. 3 **4.**

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- C 00 V ៧ О 3 vario O) ന ഗ ŏ -SUSPENDED SOLIDS: Means solids that either fluche surface of, or are in suspension in water, or other liquids, and which are removable by villcering and settling techniques. -1 t-**C**1
- 1 4 C 나도 d e combinati d'u 0 ut or combirgulations the USEPA the Act, or Means any pollucant red as toxic in regue administrator of the Section 307(a) of the TOXIC POLLUTANT: Mean of pollutants listed a promulgated by the admithe provisions of Sect. of pollutants lipromulgated by the provisions act: in 4

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introduce: c Works ٠ H who ubli ۵, ហ y person or business the Manatee County Collection System. SER: Means any ollucants into tantary Sewer Co USER: 97.

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WATERS OF THE STATE: Means any surface or water located within the boundaries of the Florida or over which the State of Florida jurisdiction. exerne or

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EXHIBIT "E" Page 13 of 54

ARTICLE III

SE OF THE PUBLIC WASTEWATER SYSTEM

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- .02 SEPTIC TANKS, PRIVIES, CESSPOOLS:
- QJ 0 £ 0 € ø ·rd L C V) ⋽ rhe and is available, cesspools, prohibited. service is privies, c y s s, s Where County septic tanks, wastewater sy a)
- О u The conditions under which septic systems can be used are administered by the State Departmen Health and Rehabilitative Services and its Pollution Control Division. ۵.
- 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. (~) Ö
- ø · _ L L O) evar r ro re re Ę Vasr connec ij mandatory of normal MANADATORY CONNECTION: It is mandaton residences and all generators of normincluding private wastewater systems. County system when service is availab. Ó
- ll uncoveruse, alter t he with or opening into, use it sever or appurtenance wurred approval and pavit charges. shall paying UNLAWFUL CONNECTION OR USE:
 make any connection with or
 or disturb any public sewer
 first obtaining required app S \circ
- 0 TO 14 コココ Q) Q) structur be cappe the owns O sever must b se. Should t done by the e Should ง ก<u>ค</u> DISCONTINUED USE OF LATERAL SEWER:
 be destroyed or moved the lateral
 by the owner at the owner's expensioneglect to do so, capping will be and costs paid by the owner. Ō
- LI 9 > 0 0 under ess the sewers capped u be reused unle cifications and severs S T O T Lateral shall not MCPWD spe County REUSE OF LATERALS: Section 3.05 above current County and ir e ounty by the eq pprov Ö

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Ф 44 E 0 0 ល S > Ω, CL 14 ល ៧ > > മമ **5** 0 0 P UH H U E N ø REQUIRED: sach building sever line. LATERALS SEPARATE MCPWD, sa eral m ∞ õ m

9 UNLAWFUL DISPOSAL: No person shall disc any natural outlet within the County, in sewer, or anywhere other than an approve waste materials of any nature including confined to polluted waters, industrial effluent or overflow, sanitary sewage, h materials, toxic materials, inflammable wastes, pesticides and heavy metals. discharge int y. into any stored facility but not stores. so be hazardous. (I) E1 E1 E1 10 T £0 ō U m -1. Fi

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- 10 OSHA by co in ac IA STANDARDS: All construction activicontractors responsible to MCPWD shal accordance with safety standards estateral Occupational Safety and Health A Agency. 4 H y NCPWD or conducter thed by the
- w DIRECTOR RE nerein, the implement, Ordinance. the Director of and enforce 10 10 0 m П [4] Except as other NCPWD shall ad OF T 1,001 വ

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---ر د را Sewer the end ve the right to enter the premises obusiness that is discharging into twer system for the purpose of samplid examining and copying records. Ree State of Florida and EPA shall all enter the premises of any user who e requirements of this Ordinance. edutte. rel from ...
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ARTICLE IV

PROHIBITIONS AND LIMITATIONS ON

USE OF THE COUNTY SYSTEM

- a the Oil Ŋ O nd limitations o the Colley syst to the ational or any other \mapsto \vdash equiremenr Н O l users of the is subject to Standards or ordinar rohil all Ser Land ----1 D. O 2 not the us Pretreatm state or lo ũ APPLICABILITY: The chis Article apply whether or not the cal ST national, THECHET C 4.01
- ١. £Π Q) TO D Ø ₹ a) V) ט א uncontaminated U U 3 م t O un po f ti 0 caus 0 0 H fo person shall discharge or any storm water, surface was if, sub-surface drainage, unciter, swimming pool drainage, process waters to any porti 10 No pers jed any s loff, sul water, s WATERS: discharge roof runc cooling w N 0
- .-: SE 0 <u>...</u> 끕 ۶. Q) S d, directl which will 'ы О its Q) but a) <u>۲</u> or sewage which ion or performanc System or any of shall not contrany ny public sewer: 44 -4 WITH OPERATIONS: red д С н u 0 0 0 perario Water S C C anr anr Ω 0 PIC. INTERFERING Cause on the operation of wastern and see operations. y, any p with th county Wa plants: SUBSTANCES I contribute o indirectly, incerfere wi Manatee Coun treatment pl ന 0

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- æ the × 0 O S (i) ct n Ħ ω an O v 'n н 5 Q P malod norma . : Гn 1 T.A ទះជាព -0 ρ. Ô 10 m 0 0 II O 5 K C FT 10 00 ĺþ 0 P. 3 н Ω uids. g 0 ** Vastes 5 N , w Ŋ 7 æ S 1 Η Φ. O Har Ch t/s Tudi = Sin Sin \Box n in a in S ly e D 0 Y
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O ve the user er liability shall such - E Such notification shall not relieve the usany expense, loss, damage, or other liabill resulting from the discharge, nor shall sunotification relieve the user of any finestivil penalties, or other liability which rebe imposed under this Ordinance or other applicable State or Fēderal laws.

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- ls, including any water ase, or oils, whether ess of 140 milligrams ubstances which may. s at temperatures e hundred degrees ause pass-through or l-a ause Fats, waxes, greases and oils, i containing fats, wax, grease, emulsified or not, in excess per liter or containing subst solidify or become viscous at between thirty-two and one hu Fahrenheit, which could cause interference. (£)
- T Q) ψ. ndustrial in advance character C 0 Ø) ·rf NOTIFICATION OF CHANGED DISCHARGE: All industriblers shall promptly notify Manatee County in action and substantial change in the volume or charge of pollucants in their discharge, including the or characteristic hazardous wastes for which the industrial user has submitted initial notificationder 40 CFR 403.12(p). 0
- Q) Û יו ע ויי industrial prominent 3788, Manat ngerous All in a p 792-878 dang NOTIFICATION OF DANGEROUS DISCHARGE: users shall permanently post a notice place advising all employees to call County Public Works, in the event of discharge. Φ 0.7
- DD. C ri sha recelv or-commercial operation sha be discharged any known specified hazardous to the sent facility, its personnel, its personnel, or the recelv vaters of the treatment discharge or cause to be discarcinogen in an amount specoperation of the treatment function system, its puaters or the discharge ware facilities.

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| Arsenic - Total Gadmium - Total Chromium - Total Copper - Total Cyanide - Total Cyanide - Total Lead - Total Mercury - Total Silver - Total Tinc - Total Total Total Chloride - Total Biochemical Oxygen Demand Suspended Solids - Total Oil and Grease - Total Toxic Organic - Total | Parameter |
|---|-------------------|
| 1.65 0.35 0.11 2.77 3.38 1.20 0.69 0.11 3.98 1.65 0.43 2.61 1.20 1.20 1.20 1.20 1.20 1.20 1.20 1.2 | Limit me/1 |
| | Collection Method |

- 4 .09 one thousand dol day on which non shall be deemed Such surcharges scheduled sewer ADMINISTRATIVE SECTION OF THIS found to have e limits set fort shall pay a sur MINISTRATIVE SURCHARGES: Notwith CCLION of this Ordinance, any indu und to have exceeded the above dimits set forth in permits or orde all pay a surcharge in an amount e thousand dollars (\$1000.00) per y on which noncompliance shall ocall be deemed a separate and distant surcharges shall be added to the deduled sever service charge. ES: Notwithstanding any other cea, any industrial user who is the above discharge limits or mits or orders issued hereunden an amount not to exceed 1000.00) per violation. Each not shall occur or continue are and distinct violation. e added to the user's next charge. cs or Ω. m (A
- 0 FALSIFICATION OF DATA: Any company, that knowingly falsifies data, shall surcharge of up to one thousand dolla termination of service. business. or p be subject to ars (\$1000.00) per þ and/or S
- }----DILUTION PROHIBITED: No inc the use of process water or substitute for adequate trea with any Federal or State re compliance with this Ordinar te require industrial or dilute a ement п 0 user ...
 a discharge
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EXHIBIT "E" Page 21 of 54

ARTICLE V

COMMMERCIAL INDUSTRIAL, REQUIREMENTS FOR PROHIBITIONS AND

AND OTHER THAN RESIDENTIAL USERS

Ø standards, specified C ø TO industrial users have or will have to comply with Federal and State pretreatment standards, specific quantities, concentrations of pollutants or other conditions of pollutants. All such industrial useshall comply with such National and State standard and shall also comply with the additional or more stringent standards contained in this Ordinance. πI 9 O STANDARDS PRETREATMENT ave or will STATE AND 0

5.02 CONFIDENTIAL INFORMATION

- Q) 0 confide confide m M ļ ease e information, on entitled to he user. Any the time of data. When and m C Ŋ ø ηij u O c 161 O 'n v e avaj cally Information and data (other than effluent about a user obtained from reports, questipermit applications, permits and monitorin programs and from inspections shall be avained users and is able to demonstrate to the satisfaction of Manatee County that the reof such information would divulge information processes or methods of production entitled protection as trade secrets of the user.

 Such request must be asserted at the time submission of the information or data. When rhe uesti þ W n or data. Whis asserted, as such unlese by Manatee C o πj it tled 6 n t ď e) reated reated μ \sim Ö -sha C 0 tion as ____squest must be ass__ssion of the informa a confidentiality clastion shall be tree S -1-4 त्त dati ation 25 ent termins informa L. permit application of the public urequests and is satisfaction of of such information of such request musuch request musuch a confident for Jue ц ч ч 0 information such \sim until lalic; public chat חם (a)
- á. inspection ed to this port 7 oort shall te precreatment of a report shal EPA in judicia involving the fluent data wil informario. e L s of a r secret fie the S S for o f relat made he portions secrets or s tQ (7) secrets or available bort Ŋ che s of of E ngs Ö. 년 6 rd person v the po the NPDES permit or to for use by reserved. Ŋ identi OFT person furnishing a ouncy that such per tion required by the ht disclose trade shall not be made the State or EPA i enforcement proce furnishing the rentecognized an When the person Manatee County demonstration hr which migh processes except by Ordinance, orogram. available ы О iev son e < A 0 Ο, T) Ď, 2
 - 02(a ron E · 0 f Section Chapter I he County с 0 Ę of Ch d a canding the provisions of above, the provisions of Statutes, may prohibit to such information and U abor Stai Ŋ Notwiths and (b) Florida protedti ម្ ົບ

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BYPASS .07

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- **F**: v ď Ę ø 0 4 1 stand r) m Q1 ance sses E Y 000 a) 님 O Bypass not violating Federal or State standards or Sewer Use Ordinance 91-39 industrial user may allow any bypass contich does not violate pretreatment but only if it is for essential maint assure efficient operation. These by but only if i assure effici subject to:
- О Ψ c m ŝ U Ţ SAB T V) (1)

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- J IJ C • 0 v vi o きょ d S ation, ing by dura dura to Ŋ Notification of bybass the Director of MCPWD.
 Reason for bypass and dufotal flow discharged dusampling events prior to compliance during bypass (C)

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- C >. Q) Bypass violating Federal or State pretreatment standards or Sever Use Ordinance 91-39. An industrial user shall orally notify NCPWD of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 14 hours of becoming aware of the bypass. A writte submission shall also be provided within five da of becoming aware of a bypass. The written submission shall contain: ㄷ T I 11 11 U n) (p)
- M U) н Ц T E E (1)
- Q) 63 S u ц 8 --includ bypass, of the lof A description The duration dur. dates. and
 - ō O) ā. nor U) ď 上 ហ bypass r ne بيا بر Notificat U (3)
 - 114 O n n 0 recurr πJ event H 0 u u. ey red rak υŋ Ŋ Correct Steps by pass pa 7
- ы a ŧ n J **a** --rak dua D ma indi MCPWD a 11 against and Bvoass is prohibited enforcement action ag for a bypass, unless: action a Вч (0)
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- us as W เม <u>р</u>. н >-ac b u w lternative treatment d a auxiliary E waste. feasible of. οĘ 100 or retention as use K B S damage There such 2)
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- 6 user. indu: deci: plan MCPWD p. to 1 п п (A) Teds string tring tring leas hat μ 0 O to to J ω æ 4 п 4 0 S S 10 c ш ų **5 5** S II 00 (D) (D) nece cont Ø Ф тy 0 7 5 J n n L H B S B € 70 '44 -00 л а п Di Fh 6 F. F. W н н Ð Ĺ Ħ H Ħ **37** (2) C1 en Ф Ø = 20 0 0 d C1 (0) C1 $n \ll n \approx$ e L Û
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SION PROVI UPSET 60.

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- 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 preventive operation. Definiti "upset" there is
- 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:
- e r U) (1)
- U a r e -4 An upset occurred and the industrial use can identify the causes.

 The facility was at the time being operation and workmanlike manner and compliance with applicable operation and maintenance procedures.

 The industrial user has submitted the following information to MCPWD within 24 hours of becoming aware of the upset: and 9 (2)
 - C1m
- (ï)
- Ë includi ·H ·H
- A description of the discharge and cause of honcompliance.
 The period of noncompliance, including exact dates, and times or, if nor corrected, the anticipated time the noncompliance is expected to continu Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance. יותר בס 111
- 00 c 0 enforcement proceeding to establish the all have the burden seeking er shall In any Burden of proof. In the industrial user coccurrence of an ups proof
- £ a11 onsibility in case of upset. The last shall control production of als to the extent necessary to maintain with pretreatment standards upon loss, or failure of its treatment until the facility is restored or an we method of treatment is provided. C ser responsi ndustrial us ischarges to mpliance vi eduction, lo acility unti User H ~ I D 0 0 m ~ 9 U L 41 0 (p)

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- 0 Within National 180 day: 9 L d. whiche: to +ada Ada Ada п н п н Ø ou r che Manatee C che Manatee C ٧e to HOT E 20 \Box S ces : made on in ω 00 O days after t Categorical Pr after a final s lacer. Standards 0 ter the effective call Pretreatment Standard, of final administrative decision a caregorical determination ordance with 40 CFR 403.6(a) r. industrial users which and the to such National Categor and currently dischased and currently dischased and Baseline Report. rermination R 403.6(a)(4), s which are ex l Categorical egori schar schar 0 rical shall О ų, U ī £ŧ
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EXHIBIT "E" Page 27 of

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- 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 plans, completing final plans, executing contract for major components, commencing construction, completing construction, completing construction.)

 No increment referred to in Section No increment referred to in Section Sil(8)(i) shall exceed nine months.

 Not later than 14 days following each date in the schedule and final date for 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 steps being ٠, ٤: comply 30日 .. ம .ட Bor Q) reps redule hall strial user to the sched Φ Ω. E: <u>...</u> ...d. up S D t 0 delay, ction In In rinde rinde rinde dinde Ē UE क-समा ≻थ्या he consistablis Ŋ han DØ. 0 0 ਜ ਜ ਜ
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าบ ท 14 L. U U œ Φ a a w date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source following commencement of the introduction of wasterwater into Manatee County's Collection System, any us 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 the average and maximum daily flow for these procunits in the user facility which are limited by such Pretreatment Standards or Requirements. Where equivalent mass or concentration limits are establish by Manatee County V) O E O G E'S egorical ä J shall Vaste ы rd L . T c_1

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5.13 PERIODIC COMPLIANCE REPORTS

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5.14 SIGNIFICANT INDUSTRIAL USERS:

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 Users. gnificant Noncategorical Users. an above named industrial Users: All of the above named industrial users shall be inspended sampled twice per year by MCPWD.

 Pursuant to 40 CFR all samples collected shall be by 24-hour composite where saible. A minimum of four grab samples be used for pH, cyanide, oil and grease, an toxic organics. MCPWD may collect four grab samples in certain situations to bette document a representative sample of the effecting discharged. <u>ر</u> 17 114 Ŋ N O Inspectio Users. Nonsignia (\mathfrak{F})
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5 . 5 INDUSTRIAL USER RECORD KEEPING:

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ARTICLE VI

PERMITS REQUIRED

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- 0 PERMIT industr The Dir пау conditions until all rovisions Director include ESTABLISHED: d D of C in the the permit. A permit will nicable fees and charges are this Ordinance are otherwise B c 그 H. O tn Cou e arge permit permit erms, (D) 200 rt not be W 田中代 0 and ju. ហ and and nes (A) 1 1 1 1 1 D
- Q 0 LATERAL SEWER PERHITS: Lateral sever 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 seferth in Manatee County Public Works uniform sewer specifications. D () u u
- 0 discharger : Ordinance. Che Ma system prior to the have six (6) months discharger is subjec permit. RE REQUIRED:
 Manacee Counc Indust All industrial use ty wastewater systestrial dischargers cothe effective date in the to apply for a abject to apply for a users who discharge stem must first obta s connected to the te of this Ordinance a permit but such er provisions of thi р ц в m to -21 (1
- Q, O Wher PERMIT APPLICATION: the County must be ſĎ appropriate. FT n An application form ompleted and filed when the applicant shall s with MCPND submit: ()*
- (a) Nam Loc Ladd Name, address location of thaddress of the ame addr the I ម ម relephone numbe e industrial fac mber of ap facility, premises ged. applicant.

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- (b) A description of the operations utilized by the operations, typeraw materials processed and typeraw. produced. суре and processes e and amount of of products and proce
- <u>C</u> Average daily and poraces, include daily variations, if any, adduration of daily as y and peak hourly wast de daily, monthly and f any, and estimated t daily and peak flows. and vascewater Clme seasonal £104

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EXHIBIT "L" Page 37 of 54

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ARTICLE VII

FEES AND CHARGES

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EXHIBIT "E" Page 39 of 54

VIII ARTICLE

PENALTIE AND ENFORCEMENT

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.. LUEDENSION OF SERVICE: The Director may suspend water and/or wastewater service and/or a permit in order to stop an actual or threatened discharge to the health and relfare of persons, to the environ 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 County shall take such steps as deemed necessary including immediate severance of a prevent or minimize defence of a failure of any individuals. ģ G) C s or e o O erm on he DD et 11 1 an 9 0 H O as deem of the and/or plant o ø atmer the ₽ Ü or mals in rei 3

the user describing the cause contribution and the measures future occurrence shall be suchin 5 calendar days of the In addition to any other penapay all tapping 37 Pr. 0 ricten state causes of the ures taken to be submitted fithe date of penalties. 10 m m in ti 0 DI CT O N • ппр O. rt D to to 9 9 0 prevent nararu i tı violato 0 enc arc Fra 0 77 (D 77 **8**, III 196 10 🗀 13. D. 10 **}**... ٠., O. --

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- w O Q, DES DES DES penalties, treatment a substances discharger. ISCHARG and che TOXIC Ħ e r al n 111 other ¥, Ωi. UBSTANCE ٤n rt. ſU ズ related control S D D che County o County tr H 0 : 8 T B B 1 O. 10 * t co х · с O ŧŪ
- 0 DISCHARGES REOR REPLACEMEN discharges the system, or repair, maint charged to the RESULTING THE OF THE # m tenance, . ne offend: In addition to any oresult in damage to a the clogging of lines, lance, and replacement offender. TING CORRECTIVE other penalties, any component of s, will result in costs being MAINTENANCE ᇒ : a

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/ points system to any shall s action, rd 0 into manholes, or any post or connecting to the solution to the solution to by law, be subject to reach instance, and shis a subject to the subject of the soluting from this a quantity charge. Any person discharging into of entry to the system, or cylehout approval of MCPWD shother penalties provided by surcharge of \$500.00 for each pay all additional costs resand twice the estimated quan

L STATE STATUTE: Trespass and to the Manatee County Wastewaters as a first degree misdemeanor, 12.14, Florada Statutes. PENALTIES PROVIDED BY STA-larceny with relation to System is punishable as a pursuant to Section 812.1 8.09

ARTICLE IX

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WASTE HAULERS AND SEPTAGE

- 111 0 sewage, sewage sludge, chemical materials, which may otherwise The waste hauler is subject to and to any and all parts of 40 otherwise ercial 0 : Waste Hauler is defined as any person, r industrial enterprise, permitted, licensed, allowed to carry or carrying solid waste, ge sludge, chemical wastes or biological hich may otherwise be defined as "septage." uler is subject to all parts of this Ordinance be CFR parts
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 Office by HAULER rge septage at any treate County. This permit ued by the Industrial Cosmay be obtained from by completing the neces other PERMIT: A waste hauler must, in addition have a valid, current permit to any treatment facility operated by spermit to discharge septage, shall strial Compliance Office of MCPWD. The from the Industrial Compliance the necessary application form.
- ٠o \circ ū a manifest before any di manifest shall include i discharged. This means LNEO HAULER R MANIFEST: Any wallinatee County treatment fabefore any discharge will-11 include the origin o hauler dischargi facility shall hill be allowed. of all septage t have This
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FIGURE 9.04(A

WASTE HAULER MANIFEST FORM

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| 1 0 U | re of the | t the informat: conditions and | ion listed here is requirements of | certify that the information listed here is true, accurate and aware of the Waste Hauler Peri | and complete. I am Permit. I under- |
| | | and/or possib | y with the Permit Le penalties as m | ind that fallure to comply with the Permit may result in immediate the Permit and/or possible penalties as may be allowed by law. | iate suspension |
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| D H | TO SE COMPLETED BY TREATHE TREATHENT FACILITY. | ED BY TREATMENT FACILITY. | I FACILITY REPRES | 10 3E COMPLETED BY TREATMENT FACILITY REPRESENTATIVE AT THE TIME OF DISCHARGE TO THE TREATMENT FACILITY. | OF DISCHARGE TO |
| Date: | 01 | Time: | Veh | Vehicle Discharge Class: | |
| Sam | Sample ID # (; | (if collected): | | | |
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- Ģ 0 Q. CONTAMINATED SEPTAGE: Any Was who generated the septage bein responsible for any introduction over burdened with conventional as described in Article IV of are otherwise harmful to the test described in this Ordinance. Hauler and the person(s) who goes to all fines and are subject to all fines and are are oth descrit Hauler be subj ove t) subj hin T (0 STR. O, Ħ. all fordinan any introduction ith conventional of thi armful -n O þ tQ) This mear generated any other c tn this e Haul haule n of m D 0 of materials to toxic paramets Ordinance, of the cartify means that the septiment of the se O O har 'n **‡**7. aㄲ Ē 00 TD S eptage 9 . -m æ U ir m 17 p) ta D 17 ¥. a in Di IJ (A ion(s <u>c</u> ⊢ n
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ARTICLE X

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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
- (4) Violation inspec commercial opera compliance, the will be charged (\$35.00) per hou industry or comp operation or if a operation is foun the industry or commercial at the rate 121 р. С person operat if an commercial operation of thirty-five dollar per visit until said 0 TE to be comes 0 11 Ţ 1 11 1 0 o H O
- (c) Analytical cos analyses on a charged at the by the MCPWD 1 that are not an incurred by the al costs or the costs of performing on a non-compliance operation will be at the current analytical rate as char CPWD laboratory and/or with any charge by the County in conjunction with outside laboratory performing analyses not analyzed by the MCPWD laboratory. rforming ton will be are as charg (C)
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10.02 INDUSTRIAL DISCHARGE PERMIT FEE:

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- (4) Tvbe 5900 (L) ~ æ æ potra
- (c) Type III. \$250 سا Year U erlod

ARTICLE XI

ADMINISTRATIVE ENFORCEMENT REMEDIES

- е ЦП L W ir. D W 0 0 ļ 44 r oun Ъy 7 U plan bility notic f the L п П O an c O rred ø Û satisfact to include submitted of of sfr . Manatee his Ordinance, Director may serve upon said user written of the violation. Within ten (10) days of receipt of this notice, an explanation of violation and a witten plan for the satisf correction and prevention thereof, to incl specific required actions, shall be submit user to the Director. Submission of this no way relieves an industrial user of liab any violations occurring before or after r this Tipb written 0 a N e ha C When non of the S TON VIOLATIC ndustria ď 0 0 pro OF any 9 0 0 Find NOTIFICATION finds that an violating a Director ma of the violation a correction specific reuser to the no way reliant ay re viol: notic the Ö
 - edia document ance user reby e a L 1 Ω. er doc e Director or into consent order tance, or other simila, reement with an industrial ie noncompliance. Such order schedules, surcharges or rres of the authorized repress of the authorized results. 드 r G 0) h 0 Ŋ enter into compliance, an agreemen for the nonc liance sched signatures user and th The establishing an responsible for include complian actions, and signative of the use ORDERS CONSENT ORDER empowered to of voluntary untary 9 4 4 9 4 C 1 O

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- v 0 10 Φ O O ü 드 Φ continues ۵ find n O may CO order > ---.⊢i S to ector κţ 4 4 H **□** H 0 ъ ø Dir 1 mme ď ហ ISISI ORDERS: When the Diristrial user has violated of Ordinance, he may issue all illegal discharges immer, the order to cease and dephone; in non-emergency s b0 AND DESIS
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ARTICLE XI

ADMINISTRATIVE ENFORCEMENT REMEDIES

- 0 receipt of this notice, an explanation of violation and a witten plan for the satisf correction and prevention thereof, to includer to; the Director. Submission of this no way relieves an industrial user of lial any violations occurring before or after the notice of violation. olating any prov rector may serve the violation. ceipt of this no ICATION OF VIOLATION: Serve ovision upon Within ten When ver the satisfactory
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 compliance schedules, find the use **⊢**n • enter into consent compliance, or oth e schedules, surches, acures of the authoriz surcharges o of MCPWD is he corders, assher similar dan industriance. Such or orders 0 d o c Sur represent remedia u s e ume anc WILL 2 2 6
- O SHOW CAUSE ORDER: The Director may order industrial user which causes or contribute violation of this Ordinance to show cause to proposed enforcement action should not be The notice of the meeting shall be served certified mail at least ten (10) days price hearing. prior r any ces to why a taken. by 0 <u>...</u> æ
- 40 this Ordina industrial directing t COMPLIANCE ewer ppurcenances peraced, and ndustrial use his Ordinance reatment TANCE ORDER: When the Director finds that an trial user has violated or continues to viola Ordinance, he may issue an order to the Crial user responsible for the discharge ting that, following a specified time period. Service shall be discontinued unless adequatement facilities, devices, or other related tenances have been installed and are properly n D ORDER: n compliance is achi-O en.
- -05 violace and desi an emerg a D AND 125 gency, the y telephon ID DESIST ORDERS: When the Dindustrial user has violated this Ordinance, he may issue st all illegal discharges impency, the order to cease and celephone non-eme æ ä n immediately. Dir a n L/A desist 0 u G .cuat order continues tor find 0 σ. n m 0000

נדם or preventiviress a ispend or ige Permit. industrial hal 60 address a used to suspen al Discharge P order an indu user to take such appropriate remedial o action as may be needed to properly addr continuing or threatened violation, incl operations and terminating the discharge ease and desist order may be usermanently revoke an Industrial desist and Cease

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Ø. U I ŧο t/) ·ri Q) of violati her 끖 standing any by industrial Ψ 0 exceed industr issued y provision orders issue D0 char ņ day per day any nor Notwith of permits, or of ord ord ord ord charged an amount no dollars (\$1000.00) per onts shall be added to cheduled contracts. ø SECTION OF THIS ORGINANCE is found to have violated assessments shal s next scheduled e Q ADMINISTRATIVE other section 0 chousand d Ordinance, cunder shall one r Such -Ser s t t

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ณ - JUDICIAL REMEDIES: If any person ewage or industrial waste into Manatee itary Sever Collection System contrary sions of this Ordinance, or any order sued hereunder, the County, through the ney, may commence an action for appropriequitable relief in the Courts of L d County Attorney, malegal and/or equital ENFORCEMENT - JUDIC discharges sewage o County's Sanitary S provisions permit issued the COUR T O

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neq E UNCTIVE RELIEF: Whenever an industrial user has lated or continues to violate the provisions of solutionance, or of any permit, or of orders issue eunder, the County, through the County Attorney mittion the court for the issuance of a preliminary permanent injunction, or both, which restrains or pels the activities of the industrial user. INJUNCTIVE RELIEF: violated this Ordi hereunder perition or perman O III O

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penalty of not more than one thousan plus actual damages incurred by Mana violation, per day, as long as the violation to the above described plus addition to the above described plus and entry may recover reasonable court costs, and other expenses assonant analysis expenses. The County sand analysis expenses. The County sometermining amounts of liability, the into account all relevant circumstant violation, the magnitude and duration benefit gained through the industrial compliance history of the industrial other factor that justice requires. TVIL

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subject to a sand dollars (Si and dollars (Si anatee County, per he violation continues, ed penalty and damages, associated with the ing sampling, monitoring unty shall petition the recover such sums. In roumstances, including, ant of harm caused by the douration, any economi industrial user, the retal user, the retal user, the retal user, and a retal user. on. 'n 0

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de a de co v v CR impr iays ieem ă P olaces and permits guilty of exceed the prisonmer ys. Each and a se PROSECUTION: Any industrial user who will any provision of this Ordinance, or any car is issued hereunder, shall, upon convictive of a misdemeanor, punishable by a fine and two thousand dollars (\$2000.00) and/or indent in the County jail of up to sixty (60 and day of a continuing violation shall be separate and distinct violation. שי ~ T 0 rt '≺ H H 0 0 Þ o o i-0 \supset to :≺

U SURCHA surcha discre monthl URCHARGES scretion on thly util TO BE ADDED T provided for of MCPWD, be ility billing, asce customer. . . ITITU OI added to ITY BILLING: An S Ordinance may, to the applicable user is a MCPW Àпу WD-ຄາ ב מ ה -14 D i- 4 1 - 10 rr w ٠.,

ADMINIS ı fite cer cl 7 P TRATIVE D m ₩ 0 4 -0 3 HEA Ch ARINGS ŊĠ i n ار ات a. ₽. --inanc inanc ÁUV 7 0 shall shall T) to: or n D 10 tacive 10 to 10 000 0 H G E H 4 H u n 10 Œ ŧn.

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(4) shall and cir повена 9 H H shal 4 0 M ti Di Q ρι 9 C D ſù = ñ (1 2 d = 0 9 H 10 V 1 U‡ Ĥ. Ö ⇒ n I-- 00 Ø to ro ۵ ñ O n n ia v a. }-- (7 ps. ps. 0 44 11 ; .ver T H m σ thearing usi 0 0 00 0 0 m 🕽 + HB (a) above of a date which (10) days

- Ψ, an sentative hearing The Director or his designated represenshall preside over the administrative heall entertain testimony and evidence. Û
- O IJ d E ιij Q) 다 다 ㅋ have the counsel ທ violating user shall to be represented by cross examine witness e alleged Jortunity opportun examine The (P)
- violating user is represented at counsel, the MCPWD shall likewise by the Office of the County Attorney If the alleged the hearing by be represented Φ
 - 0 O (V) rt v en finding cable. vritter practica l issue as is p shall The Director shal after the hearing 4
- U) . 1 U) open session, If an appeal e appeal snall an ten (10) day he Director's >. 'n rhe D O 0 adverse appealed to in or ø che frhe violating user, may be applicantly County Commissioners, in the nal and binding decision ken, written notice of the red to MCPWD no later the violator's receipt of ў. Ф. O ent. Bay H D. che sed violating d of County (a final and b findings Ŧ The decision alleged violar Board of Counfor a final arco be taken, be delivered after the vio sion (8)

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ARTICLE XII

EFFECTIVE DATE; RESCISSION 0 ORDINANCE .10-88

AND SEVERABILITY

- 2.01 LEFECTIVE DATE: This Ordinance shall take effect immediately upon the receipt of official acknowle ment from the Office of the Secretary of State. State of Florida, that this Ordinance has been fixwith said office. F-0-Ω. 00
- 2.02 SUPERSEDING ORDINANCE supersede and replace entirety. 88-01: This Ordinance Ordinance 88-01 in its shall
- 13 .03 concrary in n this SEVERABILITY O ; 0 reason whatsoever Ordinance to any express 0 INVALID PROVISIONS: If or the chief or the chief or the chief of law soever be held null and vo ρ μ provision of held null lidity of ot other provisions roid. O. one 0 D O it shall shall 1i o æ 1 B D,

ORDINANCE NO.

ORDINANCE SEWER USE

County this the Board Florida 1991 County, PASSED AND DULY ADOPTED by of Manatee Commissioners o T day

E O COMMISSIONERS BOARD OF COUNTY

FLORIDA COUNTY, MANAGEE

Chairman

By:

ATTEST:

SHORE

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Court Circhy the Clerk of

By:

UNIVERSITY COMMONS

TOTAL LEGAL DESCRIPTION
CONTAINS 3 SHEETS - DESCRIBING
PARCELS (A THROUGH F)

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DUKE AND BENEDICT

DESCRIPTION: PARCEL A

A TRACT OF LAND IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 358, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOUS:

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* U, 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 PARKUAY (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* U, A DISTANCE OF 21.58 FEET; THENCE N 89*36*09* U, 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* U, A DISTANCE OF 2480.82 FEET TO THE POINT OF BEGINNING.

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, HANATEE COUNTY, FLORIDA AS DESCRIBED IN DEED BOOK 368, PAGE 13 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROM THE S.W. CORNER OF SAID SECTION 33, RUN N 00° 48' 04" E, ALONG THE VEST 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 ANY LINE OF TUTTLE AVENUE AND THE MORTHEALY RIGHT OF WAY LINE OF UNIVERSITY PARKAYY (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 OF UNIVERSITY PARKAYY (STATE ROAD) 610 F.D.O.T. SECTION 13001-2502) FOR THE POINT OF BEGINNING; THENCE N 00° 48' 04" E, ALONG SAID ANINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1340.13 FEET TO THE N.W. 1/4 OF THE SAID EAST 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE S.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 00° 50' 21" W, A DISTANCE OF 1340.15 FEET TO THE S.W. 1/4 OF THE SAID EAST 1/4 OF THE N.W. 1/4; THENCE OF 654.42 FEET TO THE N.W. 1/4; THENCE S 00° 51' 30" W, ALONG THE LINE OF THE SAID N.W. 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.W. 1/4 OF THE S.W. 1/4 OF THE S.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE SAID N.W. 1/4 OF THE SAID N.W. 1/4 OF THE N.W. 1/4 OF THE N.W. 1/4 OF THE N.W. ALONG SAID RIGHT OF WAY LINE. A DISTANCE OF 1502.46 FEET TO THE POINT OF [1]

TO PERTINENT EASEMENTS. RIGHTS Ç GNV XVA RESTRICTIONS OF RECORD.

CONTAINING 126.41 ACRES, MORE OR LESS.

EXHIBIT "F" (Page

e fi

DUKE & BENEDICT Parcel C DESCRIPTION: AS FURNISHED THE NORTH 215 FEET OF THE SOUTH 1/2 OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH. AANGE 18 EAST, MANATEE COUNTY, FLORIDA.

HORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIONED

THE S.W. 1/4 OF SECTION 33, TOWNHP 35 SOUTH, RANGE 18 EAST, RUN S 00° 52' 38" W, ALDONG 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 12 218.30 FEET; THENCE N 89° 18' 01" W, A DISTANCE OF 15'.22 FEET TO THE WEST LINE OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE N.E. 1/4 OF THE N.E. 1/5.05 FEET TO THE S.W. 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, 2ANGE 18 EAST; THENCE N 80° 51' 30" E, A DISTANCE OF 218.30 FEET; THENCE S 89° 18' 01" E, A DISTANCE OF 54.29 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, CORNER OF THE N.E. 1/4 OF THE N.E. 1/4 FROM THE N.E. IE S.W. 1/4 OF

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

CONTAINING 3.28 ACRES, HORE OR LESS.

DUKE & BENEDICT Pårcel 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,

RANCE 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.

HORE PARTICULARLY DESCRIBED AS FOLLOWS: BY THE UNDERSIGNED

BECINNING 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,
RANCE 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 WAY FOR LOCKWOOD RIDGE ROAD. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 1.75 ACRES, MORE OR LESS. EXHIBIT "F" (Page 2

of 4)

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

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 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 612.44 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. SECTION 33 N.W. 1/4 O OF 47

RES SUBJECT TRICTIONS (OF TO RECORD. PERTINENT EASEKENTS, RIGHT ٥ ۳ WAY ン と に

CONTAINING 9.42 ACRES, MORE OR LESS.

THE CENTRE AT UNIVERSITY PARKWAY: PARCEL F

AFTER RIV DEDICATION FOR LOCKWOOD RIDGE ROAD

SOUTH, RANGE 10 E.A. CONNER OF SECTION 33, TOWNSHIP 35 BOUTH, RANGE 10 EAST, RUN 5 89:13'10" E. ALONG THE BOUTH LINE OF BAID SECTION 33, A DISTANCE OF 1532.62 FEET; THENCE N 00"44'50" E. A DISTANCE OF 173.00 FEET TO THE MORTHERLY RIGHT OF NAY LINE OF UNIVERSITY PARKENY (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 531'00" E. A DISTANCE OF 530.04 FEET; THENCE 8 80'15'10" E. A DISTANCE OF 614'12 PEET; THENCE 8 00'52'30" E. A DISTANCE OF 614'12 PEET; THENCE 8 00'52'30" E. A DISTANCE OF 614'12 PARKENT OF WAY LINE OF ADDITIONAL ENDING SEVEN COURSES; 8 57'47'43" E. A DISTANCE OF 31.22 FEET TO A POINT ON THE ARC OF A CURSES; 8 57'47'43" E. A DISTANCE OF 31.22 FEET TO A POINT ON THE ARC OF A CURSES; 8 57'47'43" E. A DISTANCE OF 86.65 FEET TO THE P.T. OF SAID CURVE THOUSE NACE OF 31.22 FEET TO THE P.T. OF SAID CURVE; THENCE N 89'15'10" E. A DISTANCE OF 86.65 FEET TO THE P.T. OF SAID CURVE; THENCE SO'44'50" E. A DISTANCE OF 27.00 FEET; THENCE N 89'15'10" E. A DI

5 PERTINENT CAREMENTS. AIGHTS OF WAY. Š AMBIRICTIONS OF 88

CONTAINING

10.24

ACKE.

TO M

OR LESS

LEGAL DESCRIPTION OF ADDITIONAL ACREAGE

DESCRIPTION:

9 COUNTY 1/4 THE NORTHWEST MANATEE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE 13, TOWNSHIP 35 SOUTH, RANGE 18 EAST, SECTION 33,

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33 SOUTH, RANGE 18 EAST. ALSO: TOWNSHIP 35

1HE THE NORTHEAST 1/4 OF 1/4 OF SECTION TOGETHER WITH: THE NORTH 1/2 OF NORTHEAST 1/4 OF THE SOUTHWEST TOWNSHIP 35 SOUTH, RANGE 18 EAST.

BEING HORE PARTICULARLY DESCRIBED AS POLLOWS:

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, THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, THE NORTHEAST 1/4 A DISTANCE OF 520.00 FEET; THENCE NO 99 18 06" W, A DISTANCE OF 19.46 FEET TO THE WESTERLY THE POINT OF WAY LINE OF LOCKWOOD RIDGE ROAD, ALSO BEING MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1155.23 FEET TO THE POINT OF THE NORTHILE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTH LINE, A DISTANCE OF SAID SCUTION 33, THENCE OF NORTHEAST 1/4 OF SAID SCUTION 33, A DISTANCE OF THE NORTHEAST 1/4 OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SCUTION 33, A DISTANCE OF 335.04 FEET TO THE NORTHEEST 1/4 OF SAID SCUTION 33, A DISTANCE OF 335.04 FEET TO NORTHEEST 1/4; THENCE S 99 18 07 FE, ALONG THE NORTHEAST 1/4 OF SAID SCUTION 33, A DISTANCE OF THE NORTHEAST 1/4 OF SAID SCUTION 33, A DISTANCE OF 335.04 FEET TO THE SOUTH 1/4 OF THE NORTHEEST 1/4 OF SAID SCUTION 33, A DISTANCE OF 335.04 FEET TO THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SAID SCUTION 33, A DISTANCE OF 1287.78 FEET TO THE WESTERLY MAINTAINED NORTHEEST 1/4 OF SAID MAINTAINED NOR SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE NORTHE

AND WAY, (A RIGHTS EASEMENTS, PERTINENT OF RECORD. Ę.

CONTAINING 54.50 ACRES, MORE OR LESS.

STATE OF FLORIDA COUNTY OF MANATES I hereby certify that the foregoing is a too copy of ORDINANCE NO. 27 37 a board by the Board of County Commissioners of said County on the day of 19, 42 in Bridgeton, Floridated of R. B. Share Clerk of Charles and County Ordinal By Arthur Allerthan D.C.