

January 23, 2013

Patricia A. Petruff Dye, Deitrich, Petruff & St Paul, P.L. The Riverview Center, Suite 300 1111 3<sup>rd</sup> Avenue West Bradenton, Florida 34205

Re:

Tara DRI # 11 (TBRPC #66)

Request: Extensions for Tolling and Extensions of Permits and other Authorizations Under Executive Orders for Tropical Storm Debby (12-140, 12-192,12-217); and Executive Order for Tropical Storm Isaac (12-199)

Project Number: PDR/PDC-96-03(G)(R9)/Ord10-50(EXT2)

DTS #: 20120462

Dear Ms. Petruff:

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

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

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

On June 25, 2012, a State of Emergency (Executive Order 12-140) was declared for Tropical Storm Debby. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through August 24, 2012. On August 20, 2012, Executive Order Number 12-192 extended the State of Emergency for thirty days from August 20 to September 19, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson,

Building and Development Services Department

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

WEB: www.mymanatee.org \* PHONE: 941.748.4501 \* FAX: 941.749-3071

Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties. On September 19, 2012, Executive Order Number 12-217 extended again the State of Emergency for 5 additional days from September 19, 2012 to September 24, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson, Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties.

- The deadline for notification (request) is December 23, 2012.
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -140, 12-192, and 12-217 is 91 days and six months (FS 252.363)

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

- On August 25, 2012, a State of Emergency (Executive Order 12-199) was declared for Tropical Storm Isaac. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through October 24, 2012.
- The deadline for notification to the Manatee County is January 22, 2013.
- Since you have applied for an extension pursuant to both Tropical Storm Debby and Isaac, only the tolling period for Isaac that has not "overlapped" with the tolling period for Tropical Storm Debby, and the six month period (FS 252.363)
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -199 is 30 days and six months.

You have applied for extensions of your development approvals for Tolling and Extension of Permits and other Authorizations under Executive Orders 12-140, 12-192, 12-217 and 12-199 pursuant to Florida Statutes Section 252.363 relative to the Tara Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling period and a six month period extension for each emergency declaration – totaling a 1 year and 121 day extension. As you have made an application and the development otherwise qualifies, your deadlines for the Tara DRI Ordinance and its associated General Development Plan are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous HB 7207, Wildfire extension (EO 11-128, 11-172, 11-202), and the additional Tropical Storm Debby and Isaac extensions (EO 12-140, 12-192, 12-217 and 12-199):

## TARA DRI #11 - ORDINANCE 10-50

The Phase III buildout date currently expires on 12/20/2019. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/20/2021.

- Section 20 Termination:
  - A. This Development Order shall terminate on January 28, 2015 04/20/2021 unless otherwise extended by law. (This new date includes extensions pursuant to HB 7207, Wildfire extensions, and the additional 1 year and 121 day extension under Tropical Storm Debby and Isaac pursuant to FS 252.363)

## TARA DRI #11 - ZONING ORDINANCE - PDR/PDC-96-03(G)(R9)

 The Phase III buildout date currently expires on 12/20/2019. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/20/2021.

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

This approval of the extension of the development permits encompassed within the Tara DRI #11 shall not constitute a waiver by the County of any claims or defenses it may have in relation to any past, present or future causes of action related to the Tara DRI #11 under Bert J. Harris, Jr. Private Property Rights Protection Act, Section 70.001, F.S.

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

Sincerely,

Lisa Barrett

Planning Division Manager

Line Barrett

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)
Sarah Schenk, County Attorney's Office (email)

Katie Labarr, AICP - Building and Development Services (email)





February 10, 2012

Patricia A. Petruff Dye, Deitrich, Petruff & St Paul, P.L. The Riverview Center, Suite 300 1111 3<sup>rd</sup> Avenue West Bradenton, Florida 34205

Re:

Tara DRI # 11 - PDR/PDC-96-03(G)(R9)/ Ordinance 10-50 (DTS # 20110429)

Request for Extension Pursuant to House Bill 7207 (HB 7207) & FS 252.363 - Tolling

& Extension of Permits

Dear Ms. Petruff:

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

Also, in 2011 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency. On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252,363, F.S., allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The length of the tolling and the six month extension is 10 months and 21 days (326 days total). This statute allows for the tolling and extension of development of regional impact buildout dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.

You have applied for extensions of your development approvals under HB 7207 and FS 252.363 relative to the Tara Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law,

Building and Development Services Department

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then the deadlines are extended for the length of the tolling and the six month extension is 10 months and 21 days (326 days total) under FS 252.363 and 4 years under HB 7207. As you have made an application and the development otherwise qualifies, your deadlines for the Tara DRI Ordinance 10-50 and its associated Zoning Ordinance/General Development Plan PDR/PDC-96-03(G)(R9) are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the HB 7207 and F.S. 252.363 extensions:

#### TARA DRI #11 - ORDINANCE 10-50

The Phase III buildout date currently expires on 01/28/2015. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 12/20/2019.

## TARA DRI #11 - ZONING ORDINANCE - PDR/PDC-96-03(G)(R9)

The Phase III buildout date currently expires on 01/28/2015. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 12/20/2019.

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

This approval of the extension of the development permits encompassed within the Tara DRI #11 shall not constitute a waiver by the County of any claims or defenses it may have in relation to any past, present or future causes of action related to the Tara DRI #11 under Bert J. Harris. Jr. Private Property Rights Protection Act, Section 70.001, F.S.

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

Sincerely,

Lisa Barrett

Planning Manager

/sa

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

Katie LaBarr, AICP - Manatee County (Email)

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\* TA FECOND n. C. SHORE

17:77 -1 PM 3:41

#### MANATEE COUNTY ORDINANCE 10-50 (fka 09-64) TARA-MANATEE, INC.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANA TOOUNTY: FLORIDA. AMENDING AND RESTATING A DEVELOPMENT ORDER 🌇 ୍ରିମ୍ମ ଓଡ଼ିଆ କ୍ରିମ୍ବର TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; APPROVING A NOTICE OF PROPOSED CHANGE TO AMEND MAP H TO REDISTRIBUTE APPROVED DEVELOPMENT; ADDING ADULT ASSISTED LIVING FACILITY USE TO SUBPHASES III-R, III-U, III-AA, III-V, AND III-Z AND LIMITING THE SIZE OF THE ASSISTED LIVING FACILITY TO NO MORE THAN 300 BEDS; ADDING EXHIBIT D, AN UPDATED TABLE OF PERMITTED COMMERCIAL USES BY PARCEL; ADDING EXHIBIT E, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTENDING THE PHASE III BUILDOUT DATE BY AN ADDITIONAL TWO-YEAR PERIOD TO 2015; CLARIFYING LOCATIONS WHERE MINI-WAREHOUSE CAN BE LOCATED (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY: RECOGNIZING A PRIOR CONVERSION OF 36,869 SQUARE FEET OF RETAIL FOR 79 HOTEL ROOMS. WHICH HAVE SUBSEQUENTLY CONSTRUCTED: EXTENDING THE FREQUENCY OF REPORTING TO BIENNIAL; AND AMENDING EXHIBITS B (MAP H), C, AND D TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED: CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake Lincoln, LLC, the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Notice of Proposed Change Application requesting modifications to the Development Order for the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is John Agnelli; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Notice of Proposed Change Application pursuant to Section 380.06(19) (f)6, Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 9, 2010, and

WHEREAS, public hearings were held before the Board of County Commissioners on October 7, 2010, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and

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any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

**WHEREAS**, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report; and

WHEREAS, the Planning Commission recommended that the changes as described in the NOPC application be found to not create a substantial deviation in accordance with Section 380.06, Florida Statutes, and recommended adoption of Ordinance No. 10-50 with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no access from SR 70 to Subphase III-BB and no wetland impacts within Subphase III-BB); and

**WHEREAS**, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

**WHEREAS**, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida,

## SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #11, ORDINANCE 06-35:

Ordinance 06-35 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the TARA Development of Regional Impact. All prior Development Orders shall be superceded by this Ordinance; provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

#### SECTION 2. FINDINGS OF FACT:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for a Notice of Proposed Change requesting modification to the Development Order, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All findings set forth in the preamble of this Ordinance are adopted as findings of fact.
- B. The Developer\* of the Project\* submitted to Manatee County a Notice of Proposed Change (NOPC), dated October 6, 2009, a copy of which is on file in the Planning Department.
- C. Tara requested approval in the NOPC application of amendments to the Tara DRI to:
  - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, III-BB and III-Z and limit the size of the assisted living facility to no more than 300 beds.
  - 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.

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  - 3. Add Exhibit E a proposed Land Use Equivalency Table.
  - 4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
  - 5. Clarify locations were a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
  - 6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
  - 7. The addition of a Subphase III-BB to allow the transfer of commercial entitlements from Subphase III-R or III-Z and III-V or available residential units (or combination thereof) to the southwest comer of SR 70 and Tara Boulevard.
  - The addition of one access point on SR 70 associated with proposed Subphase III-BB.
  - 9. To allow an approximate one acre impact to the wetland within the proposed Subphase III-BB site with corresponding mitigation.
  - 10. The addition of an exhibit showing the location of the proposed wetland mitigation for the proposed Subphase III-BB.
  - D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 12 of this Ordinance as required by Section 380.06, Florida Statutes. The recommendation of the Planning Commission was rendered on September 9, 2010, following a public hearing.
  - E. The Planning Commission at their meeting on September 9, 2010 found the changes requested in the Notice of Proposed Change to be consistent with the Manatee County Comprehensive Plan and recommended to the Board that the applicant had rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order would not constitute a substantial deviation in accordance with Section 380.06, Florida Statutes, with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no adult assisted living facility use within the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
  - F. The Board of County Commissioners held a public hearing on October 7, 2010 regarding the Notice of Proposed Change application requesting modifications to the Development Order to the DRI described herein, in accordance with the requirements of the Manatee County Land Development Code and the Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the public hearing.
  - G. The following proposed changes requested in a Notice of Proposed Change to the DRI Development Order regarding the property described in Section 12 herein are found to be consistent with the requirements of the Manatee County Comprehensive Plan provided they proceed in accordance with the development conditions specified in Section 5:
    - The amendment of Map H to redistribute approved development as follows:
      - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, and III-Z and limit the size of the assisted living facility to no more than 300 beds.

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  - Add Exhibit D, an updated table of permitted commercial uses by parcel.
  - 3. Add Exhibit E a proposed Land Use Equivalency Table.
  - 4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
  - 5. Clarify locations were a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
  - 6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
  - H. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Manatee Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.7 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
  - I. The real property involved in this development is located in Manatee County, Florida and is described in Section 12.
  - J. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
  - K. The Tara development, as described in the Notice of Proposed Change application, is not located in an area of critical state concern.
  - L. The authorized agent and his address for the Project is John Agnelli of Lake Lincoln, LLC 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
  - M. The owner of the Property is Lake Lincoln, LLC, 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
  - N. A comprehensive review of the any unmitigated external or regional impact generated by the Project\* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

#### SECTION 3. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
  - 1. The changes requested in the NOPC application will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
  - 2. The changes requested in the NOPC application are (with the exception of the creation of Subphase III-BB to allow transfer of commercial entitlements from Subphase III-R, III-Z or III-V or available residential units (or a combination thereof) to the southwest corner of SR 70 and Tara Boulevard and with the exception of adding an adult assisted living facility use to the requested Subphase III-BB, excluding the access point for the requested Subphase III-BB to SR 70 and excluding the one acre impact to wetlands within the requested Subphase III-BB) are consistent with the Manatee County Land Development Code-and are consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the Manatee County Comprehensive Plan.

- 3. The changes requested in the NOPC application as described in Subparagrah A2 above and, as conditioned by this Development Order (with the exception of the creation of Subphase III-BB with no residential or commercial entitlements to be transferred to Subphase III-BB from other phases within the boundaries of the DRI, no access from SR 70 to requested Subphase III-BB and no associated wetland impacts within the requested Subphase III-BB), are is consistent with the report and recommendations of the TBRPC approved on June 14, 2010 regarding this NOPC.
- 4. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- 5. The review by the County\*, the TBRPC and other participating agents and interested citizens reveals that regional impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, subject to the terms and conditions of this Development Order and the ADA\*. To the extent that the ADA\* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- 6. Pursuant to Section 380.06(19)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 October 6, 2009 and approved pursuant to Ordinance 10-50, are a Substantial Deviation (with the exception of the creation of Subphase III-BB and with no residential or commercial entitlements transferred to Subphase III-BB, no access to SR 70 to the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
- 7. The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- 8. TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- 9. This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- 10. TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to approval of the changes requested in the NOPC application (with the exception of the creation of Subphase III-BB and a transfer of either residential or commercial entitlements to the proposed Subphase III-BB, no access to SR 70 to the requested Subphase III-BB and no wetland impacts within the requested Subphase III-BB) in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

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## SECTION 4. DEVELOPMENT COMPONENTS

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	N/A	399,631*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres
Hotel	79 Rooms	36,869	N/A

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2015
Residential dwelling units	719	299	1,701
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	84,901	10,100	0 -304,630*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center (COMPLETED)
Hotel	·		79 Rooms (36,869)* (Completed)

<sup>\*</sup>Eighty-one (81) additional hotel rooms may be traded for 37,798 square feet of Commercial Use. The hotel use is only authorized to be built in Subphases III-U and III-AA.

- The Land Use Equivalency Matrix in Exhibit E allows the developer limited variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented are based on p.m. peak hour trip generation factors.
- In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, schools, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS). The Planning Director shall administratively review and approve all land use exchanges utilizing the LUEM.
- 3. An application for a Land Use Exchange must include a tracking chart which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.
- 4. Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to approval by Manatee County. In addition, all future conversions shall be duly noted within the subsequent Biennial Report submitted for the project.

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  - 5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit E of the Development Order.

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

#### I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the Developer.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Natural Resources Department (NRD) or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to County approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Natural Resources Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County NRD Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. As construction within each phase of the development is completed, the water quality monitoring program for the development may be modified at the request of the developer with NRD approval. Monitoring shall be terminated five (5) years following completion of the final phase of construction unless NRD has approved an earlier termination date.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be

either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Subphases III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for Subphases III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells, which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data

acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.

- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Subphases III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the NRD with the initial Preliminary Site Plan for Phase III. (COMPLETED) Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria, which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

#### SECTION 6. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

#### **SECTION 7. NOISE ABATEMENT**

A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner, which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase, which is affected by these noise standards.

#### **SECTION 8. SCHOOL SITE**

A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

#### SECTION 9. ROADWAY IMPROVEMENTS

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)
- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
  - (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Subphases III-R, III-T, III-U, III-V, III-W, III-X, or III-Y. (COMPLETED)
  - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be

utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. (COMPLETED)

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
  - (1) At the intersection of Tara Boulevard and State Road 70:
    - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
    - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
    - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
    - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED
  - (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
  - (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer initiated a transportation monitoring program in Year 2003. The findings were reported in each Annual Report beginning in Year 2003. They shall continue on a biennial basis beginning in Year 2010, until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

#### Transportation monitoring locations:

(1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.

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  - (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

#### **SECTION 10. GENERAL CONDITIONS**

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2010) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit a biennial DRI report to Manatee County, the TBRPC, and the state land planning agency on the 13th day of November on even number years, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The biennial report shall contain the information required by the state land planning agency to be included in the biennial report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file a biennial report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
  - (a) East of the main entrance on SR 70
  - (b) Main entrance road near SR 70
  - (c) Between Braden River Road and the Braden River on SR 70
  - (d) East of U.S. 301 relocated on SR 70
  - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 9.F of this Development Order.

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  - E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal on behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

#### **SECTION 11. CONCURRENCY AND PHASING**

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.), which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2015

Preliminary site plans shall be valid as set forth in the LDC. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases, which have valid final site plans, and construction plans in existence on July 25, 1996. These subphases include:

(1) Phase I-B renamed as Phase II-A on Exhibit B (Map H)

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- (2) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (3) Phase I-J renamed as Phase II-J on Exhibit B (Map H)

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

D. The Certificate of Level of Service #01-077 shall be valid until January 28, 2015.

#### **SECTION 12. LEGAL DESCRIPTION**

A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805,11 FT. TO THE S.W. CORNER OF SAID SECTION 14. ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S.89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF: THENCE S 00°42'53" W. ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD: THENCE N 00°27'05" E. ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654,90 FT.; THENCE S 89°32'55" E. ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (1-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01:, 847.92 FT. TO THE P.C.C.

OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988,43 FT, TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT, 16 + 34,75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W. 87.09 FT.: THENCE N 70°20'03" W. ALONG SAID R/W. 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W. ALONG SAID R/W. 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

#### **TOGETHER WITH:**

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.
ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

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LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

#### **SECTION 13. GENERAL**

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, The Manatee County Comprehensive Plan and the Land Development Code shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
  - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
  - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
  - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
  - 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
  - 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
  - 6. Revised Exhibit B (Map H) (dated June, 2010) together with Exhibits A, C, D E.
  - 7. The Transportation Analysis dated October 10, 2000 and June, 2003.

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  - 8. The application for a Notice of Proposed Change dated, October 6, 2009, together with supporting documents.
  - D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

#### **SECTION 14. RESTRICTION ON DOWN ZONING**

- A. The County may not downzone or reduce the intensity or unit density permitted by this Development Order prior to January 28, 2015 unless the County can demonstrate that:
  - 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
  - 2. The order was based upon substantially inaccurate information provided by the Developer; or
  - 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

#### **SECTION 15. BINDING ORDER UPON DEVELOPER**

A. This Development Order shall be binding upon the Developer and its successors in interest.

#### **SECTION 16. RENDITION**

A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

#### **SECTION 17. NOTICE OF RECORDING**

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

#### **SECTION 18. SEVERABILITY**

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

#### **SECTION 19. EFFECTIVE DATE**

A. This Ordinance 10-50 shall become effective upon the filing of a certified copy of the executed ordinance 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 for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 06-35 during pendency of any appeal.

## **SECTION 20. TERMINATION**

A. This Development Order shall terminate on January 28, 2015 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 7<sup>th</sup> day of October, 2010.

BOARD OF COUNTY COMMISSIONERS OF

MANATÈE COUNTY, FLORIDA

Bv:

Donna G. Hayes, Chairman

ATTEST:

R. B. SHORE

Clerk/of the Circuit Court

Deputy Clark

Deputy Clerk

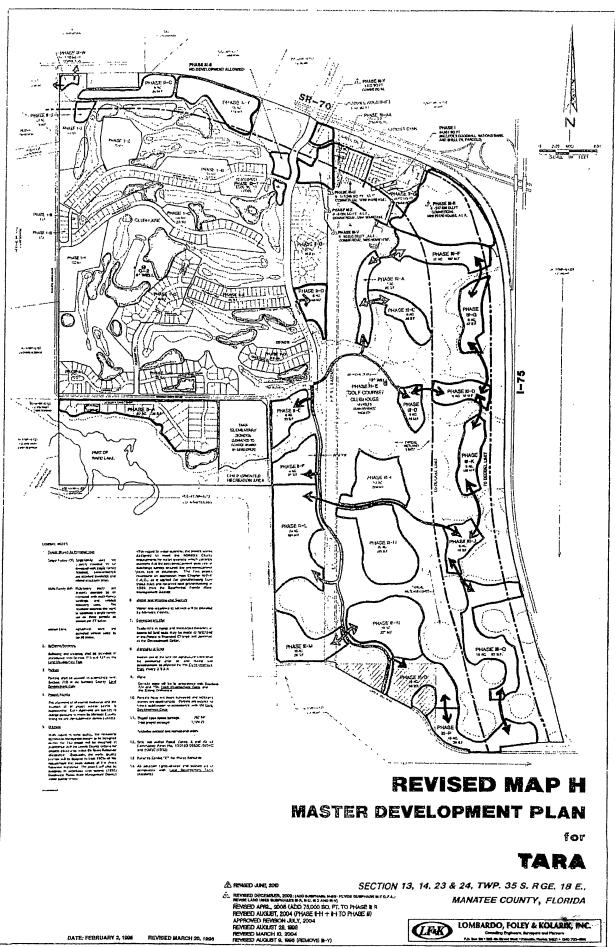
#### **EXHIBIT A**

#### **TABLE I**

### SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL	AREA
Hearing Loss	L <sub>eq(24)</sub> 70 dB	All areas
Outdoor activity interference and annoyance	L <sub>dn</sub> 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	L <sub>eq(74)</sub> 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity	L <sub>dn</sub> 45 dB	Indoor residential areas
interference and annoyance	L <sub>eq (24)</sub> 45 dB	Other indoor areas with human activities such as schools, etc.

 $<sup>^1</sup>$  L  $_{\rm eq(24)}$  represents the sound energy averaged over a 24-hour period while L  $_{\rm dn}$  represents L  $_{\rm eq}$  with a 10 dB nighttime weighting.



FYHRIT "R'

## PDR/PDC-96-03(G)(R9) – Exhibit C – Page 1 of 2

Revised October, 2010

## EXHIBIT "C" to Map H Parcel Breakdown by Phase

		Parcel Breakdown by P	naso	
RESIDENTIAL				
	AH IA KINDIN		PHASES	
PARCEL	NUMBER UNITS	I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
П-С	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46	·	****	46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128

TOTAL	2.710	710			
TOTAL	2,719	719	299	1,701	
COMMERCIA	L				
		PHASES			
PARCEL	SQUARE FEET	I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*	
Phase I	84,901	84,901			
II-G	10,100		10,100		
III-AA	0-3,600			0-3,600	
III-R	0-247,899***			0-247,899***	
III-S	0			0	
III-T	8,000**			8,000**	
III-U	0-115,000**			0-115,000**	
III-V	0-20,000**			0-20,000**	
III-W	0-3,000**			0-3,000**	
III-Y	0-18,800**			0-18,800**	
III-Z	0-8,000**			0-8,000**	
	436,500**	84,901	0-10,100	0-341,499**	
OTHER					
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance	

- \* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.
- \*\* The Developer shall have the right to transfer all or part of building square footage between non-residential subphases as depicted on Map H. Any transferred square footage may be used for the uses as depicted on Exhibit D. In addition, the Developer has the right to utilize the LUEM to "exchange" land uses in accordance with the thresholds established pursuant to the LUEM provided the Developer demonstrates compliance with all other provisions of this ordinance.
- \*\*\* The FAR on Subphase III-R shall not exceed 0.26.

# Exhibit D Revised, July 2010 Permitted Uses by Subphase Uses proposed within this change are in Boldface Text

		Subphase III-		DEMAINING
USES	Subphase III-Y	W	Subphase III-R	REMAINING COMMERCIAL
AGRICULTURAL USES				
Agricultural Research Facilities	Х	Х	Х	x
Agriculture	P	Р	Х	х
Breeding Facility (non-wild, non-exotic)	Х	X	Х	×
Farming Service Establishments	P*	Р	Х	X
Kennels	x	Х	Х	×
Short Term Agricultural Uses	Р	Х	Р	Р
Stables or Equestrian Center:				
Public	X	Х	Х	×
Veterintary Hospitals	Х	Х	Р	Р
COMMERCIAL USES-RETAIL				
Auction Houses, Open	Х	Х	X	×
Auction Houses, Enclosed	х	Х	Х	X
Auction Houses, Auto	х	Х	Х	×
Building Materials Establishment	х	Х	Р	Р.
Retail Sales, Neighborhood Convenience	P**	Р	Р	Р
Retail Sales, Neighborhood General	Р	Р	Р	Р
Drive-Thru Eating Establishment	X	Р	P	Р
Eating Establishment	Р	Р	Р	Р
Farm Equipment and Supply Establishment	х	x	Р	Р
Gas Pumps	x	Р	Р	Р
MH/RV Sales, Rental, Leasing	х	Х	Р	Р
General Retail Sales Uses	Р	X	Р	Р
Service Station	x	Р	Р	Р
COMMERCIAL USES-SERVICES				
Banking:				
Bank	Р	Р	Р	P_
Bank/Drive-Through	P*	Р	Р	Р
Business Services	Р	Р	Р	Р

DRI# 11 - Tara-Manatee -Exhibit D - Page 2 of 5

USES	Subphase III-Y	Subphase III- W	Subphase III-R	REMAINING COMMERCIAL
Health Services:				
Professional Office	Р	Р	Р	Р
Clinic	Р	Р	Р	Р
Veterinary Clinic	P*	Р	Р	Р
Medical and Dental Laboratory	х	Х	Р	Р
Nursing Home	X	Р	Р	Р
Industrial Service Establishment	X	Х	Р	Р
Lodging Places:				
Bed and Breakfast	X	Р	Р	Р
Boarding House	X	Р	Х	X
Hospital Guest House	Х	Р	Х	X
Hotels	х	Х	Х	P***
RV Park	X	Х	Р	Р
Miscellaneous Services:				
Office	Р	Р	Р	Р
Car Wash, Self Service	X	Х	Р.	P
Car Wash, Incidental	X	Р	Р	Р
Car Wash, Full Service	X	Х	Р	P
Construction Service Establishment	×	Х	Р	P ·
Dry Cleaners, Neighborhood	X	Р	Р	P
Dry Cleaners, General	X	Х	Р	Р
Dry Cleaners, Pick-up	P*	Р	Р	Р
Food Catering	X	X	Р	Р
Funeral Chapel	X	P	Р	Р
Funeral Home	X	Р	Р	Р
Lawn Care/Landscaping	X	Х	Р	Р
Personal Service Establishment	P	Р	Р	Р
Rental Service Establishment	X	Х	Р	Р
Repair Service Establishment	P*	Р	Р	Р
Motor Vehicle Repair:				
Neighborhood Serving	Х	Р	Р	Р
Community Serving	X	Х	Р	Р
Major	X	Х	Р	X
Sign Painting Service	X	Х	Р	Р

DRI# 11 - Tara-Manatee -Exhibit D - Page 3 of 5

		Subphase III-		REMAINING
USES	Subphase III-Y			COMMERCIAL
Taxi-Cab, Limousine Service	X	X	Р	Р
Wholesale Trade Establishment	X	X	Р	Р
COMMUNITY SERVICE USES			<b></b>	
Cultural Facilities	X	Р	Х	Х
Emergency Shelters	Х	Х	Х	X
Emergency Shelter Home	X	Р	Х	Х
Outpatient Treatment Facility	X	X	Х	Х
Post Offices	X	Р	Х	Х
Private Community Uses	Х	Р	Х	Х
Public Community Use	×	Р	Р	Р
Public Use Facilities	×	Р	Р	Р
Radio, TV, Communications, Microwave Facilities	x	Р	Р	P
Residential Treatment Facilities	X	Р	Х	X .de
Resource Recovery Facilities	Х	Х	Х	Х
Utility Use	P*	Р	Р	P 36.1
MISCELLANEOUS USES				n i jen
Flea Markets:				
Enclosed	X	Х	Р	Р
Open	X	Х	Р	Р
Outdoors Advertising Signs	×	Х	Р	Р
Parking, Commercial	P	Р	Р	Р
Towing Service and Storage Establishment	x	х	Р	Р
OPEN USE OF LAND - LIGHT				
Cemetary:				
Human	P*	Р	Х	х
Pet	P*	р.	Х	Х
Game Preserve	Х	Х	Х	х
Land Reserves, Public or Private	Р	Р	Х	х
Tree Farm	×	Р	Х	х
Minor Earthmoving	P*	Р	Р	Р
RECREATION USES:				
Low intensity Recreational Uses	P*	Р	Р	Р
High Intensity Recreational Uses	х	Х	Р	Р
Medium Intensity Recreational Uses	Х	Х	Р	Р

DRI# 11 - Tara-Manatee -Exhibit D - Page 4 of 5

USES	Subphase III-Y	Subphase III- W	Subphase III-R	REMAINING COMMERCIAL
Passive Recreational Use	P*	Р	Р	Р
RESIDENTIAL USES				
Adult Assisted Living Facility	X	Х	Р	P#
Family Care Homes	Х	P	Х	Х
Group Care Home, Large	P*	Р	Р	P
Group Care Home, Small	P*	Р	Р	P
Group Housing	Х	Р	Х	X
Multiple Family Dwellings	Х	Х	Х	X
Residential Care Facility, Large	P*	Р	Р	Р
Residential Care Facility, Small	P*	Р	Р	Р
Recovery Home, Large	P*	Р	Р	Р
Recovery Home, Small	P*	Р	Р	Р
Single-Family Attached Dwellings	Х	X	Х	X
Single Family Detached Dwellings	Х	P+	Х	X
Single-Family Semi-Detached Dwellings	Х	Х	Х	X
Duplex Dwellings	×	P+	Х	<b>X</b> -
Triplex and Quadraplex Dwellings (multifamily, 4 units max)	x	Х	х	Х
RESIDENTIAL SUPPORT USES				
Churches or Other Place of Worship	P*	Р	Р	Р
Day Care Center, Large	P*	Р	Р	Р
Day Care Center, Medium	P*	Р	Р	Р
Day Care Center, Small	Х	Р	Х	X
Day Care Facilities (Accessory)	P*	Р	Р	P
Day Car Home	Х	Х	X	X
Schools, Elementary	Х	Р	Х	Х
Schools, High School	Х	Р	Х	Х
Schools, Middle	Х	Р	Х	Х
Schools of Special Education	P*	Р	Р	Р
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	Р	Х	Х
Heliport	Х	Х	Р	Р
Helistop	P*	Р	Х	×

USES	Subphase III-Y	Subphase III- W		REMAINING COMMERCIAL
WAREHOUSING				
Warehouse - Mini	P*	<del>P</del> .P*	<del>p.</del> p*	₽. <b>P</b> *

#### P = Permitted

P\* = With limitations, as specified in Section 704, conditional Use Criteria, The Amended Development Order, or elsewhere in the Code

P\*\* = Neighborhood Convenience Retail Sales uses are permitted with the exception of
Convenience Stores which are not allowed on Subphase III-Y

P\*\*\* = Hotel use is authorized to be developed only in Subphase III-U and III-I

P+ = Allowed with specific criteria per Table 6-1 in the Code

P# = Adult Assisted Living Facilities shall be limited to remaining commercial Subphases III-U, III-V, III-AA

AP = Administrative Permit Required

		EXH LAND USE E TAR June	EXHIBIT F LAND USE EQUIVALENCY TARA DRI June 2010			
<b>∀</b>				"B"		
			EQL	EQUIVALENT USES		
LAND USES THAT ARE TO BE TRADED	# OF SINGLE- FAMILY DWELLING UNITS	# OF MULTI- FAMILY APARTMENTS	# OF SQ. FT. RETAIL.	# OF ALF BEDS	# OF SQ. FT. MINI- WAREHOUSE	# OF SQ.FT. OF OFFICE
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.45)	(321.00)	(6.00)**	(3259.00)	(546.00)
MULTI FAMILY APARTMENT	(69:0)	(1.00)	(222.00)	(0.00)**	(2248.00)	(376.00)
1000 SQ. FT.OF RETAIL	(3.13)	(4.54)	(1000.00)	(11.56)	(10179.00)	(1708.00)
1 ALF Bed	(0.17)**	(0.17)**	(88.00)	(1.00)	(889.00)	(151.00)
1000 SQ. FT. OF MINI-WAREHOUSE	(0.31)	(0.45)	(100.00)	(1.15)	(1000.00)	(171.00)
1000 SQ. FT. OF OFFICE	(1.84)	(2.66)	(589.00)	(6.79)	(5979.00)	(1000.00)

\* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 321 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 321 Sq. Feet.
\*\*Per Manatee County Land Development Code

In order to preserve the multi-use nature of this development, land use exchanges will be limited so that the following minima and maxima for each land use will be observed:

Max	514,200	-	300	115,000
Min	255,300	8,000	0	0
Use	Commercial (sf)	Office (sf)	ALF (beds)	Mini-Warehouse (sf)

The proposed maximums have been established to not exceed any substantial deviation thresholds. A calculation to demonstrate this will be included with any application utilizing the LUEM.

## Exhibit E

\$ 4 4

# DIMENSIONAL CHART

Uses		Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family detached		35	45-79	5,000	20/15 <sup>(a)</sup>	9	15
Single family detached		35	80 or greater	000'6	25/20 <sup>(a)</sup>	8	15
Zero lot line (SF detached)		32	45	5,000	20/15 <sup>(a)</sup>	0/10 <sup>(b)</sup>	15
Single family attached		35	25/35 <sup>(c)</sup>	2,500/3,500 <sup>(c</sup>	20/15 <sup>(a)</sup>	0/10 <sup>(b)</sup>	15
Single family semi-detached		35	35	4,000	20/15 <sup>(a)</sup>	7.5	15
Duplex		35	02	8,000	20/15 <sup>(a)</sup>	æ	15
Multi-family		3 stories/35			25	10(4)	15 <sup>(d)</sup>
Commercial/office/hotel		3 stories/35	. 07	7,500	30 <sup>(e)</sup>	15 <sup>(e)</sup>	20 <sup>(e)</sup>
Park, recreation center		35	02	7,500	25	15	15
Parcel II-D	Multi-family	2 stories/35			30	10/35 <sup>(f)</sup>	15
	Single family	35	. 60	7,000	25	7.5	15
Parcel II-E		35	09	7,000	25	7.5	15

(a) Front setbacks for units with side entry garages.

(b) Applies to one side.

c)Minimum width and size for corner or end units. (d)Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.

(e)Buildings shall be set back a minimum of 50' from any residential lot. (f)Multi-family dwellings shall be set back 35' from any single family lot.

The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses. NOTE:

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 cay of

R.B. SHORE
Clerk of Organic Court

Morad Valence



#### FLORIDA DEPARTMENT OF STATE

ZDID NOY -1 PM 3: 40

DAWN K. ROBERTS

#### CHARLIE CRIST Governor

#### STATE LIBRARY AND ARCHIVES OF FLORIDA

October 29, 2010

Honorable R. B. "Chips" Shore Clerk of Circuit Court Manatee County Post Office Box 25400 Bradenton, Florida 34206

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 26, 2010 and certified copies of Manatee County Ordinance Nos. 10-50 and PDR/PDC-96-03(G)(R9), which were filed in this office on October 28, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud

Program Administrator

LC/srd Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250

850.245.6600 • FAX: 850. 245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

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CAPITOL BRANCH 850.488.2812 • FAX: 850.488.9879 RECORDS MANAGEMENT SERVICES 850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY 850.245.6270 • FAX: 850.245.6282





Certified Mail # 7000 0520 0015 6095 8518

November 15, 2010

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 10-50, the DRI Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on October 7, 2010, as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Bobbi Roy

Planning Coordinator

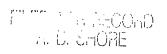
/br

Enclosure

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

PHONE: 941.749.3070 \* FAX: 941.749.3071

www.mymanatee.org



#### MANATEE COUNTY ORDINANCE 10-50 (fka 09-64) TARA-MANATEE, INC.

All Control of the Co AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEL COUNTY: FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; APPROVING A NOTICE OF PROPOSED CHANGE TO AMEND MAP H TO REDISTRIBUTE APPROVED DEVELOPMENT; ADDING ADULT ASSISTED LIVING FACILITY USE TO SUBPHASES III-R, III-U, III-AA, III-V, AND III-Z AND LIMITING THE SIZE OF THE ASSISTED LIVING FACILITY TO NO MORE THAN 300 BEDS; ADDING EXHIBIT D, AN UPDATED TABLE OF PERMITTED COMMERCIAL USES BY PARCEL; ADDING EXHIBIT E, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTENDING THE PHASE III BUILDOUT DATE BY AN ADDITIONAL TWO-YEAR PERIOD TO 2015; CLARIFYING LOCATIONS WHERE MINI-WAREHOUSE CAN BE LOCATED (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY: RECOGNIZING A PRIOR CONVERSION OF 36,869 SQUARE FEET OF RETAIL HOTEL ROOMS, WHICH HAVE SUBSEQUENTLY BEEN CONSTRUCTED; EXTENDING THE FREQUENCY OF REPORTING TO BIENNIAL; AND AMENDING EXHIBITS B (MAP H), C, AND D TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING

WHEREAS, Lake Lincoln, LLC, the owner and developer, hereinafter referred to as "TARA". in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Notice of Proposed Change Application requesting modifications to the Development Order for the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is John Agnelli; and

FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Notice of Proposed Change Application pursuant to Section 380.06(19) (f)6, Florida Statutes: and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 9, 2010, and

WHEREAS, public hearings were held before the Board of County Commissioners on October 7, 2010, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

**WHEREAS**, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report; and

WHEREAS, the Planning Commission recommended that the changes as described in the NOPC application be found to not create a substantial deviation in accordance with Section 380.06, Florida Statutes, and recommended adoption of Ordinance No. 10-50 with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no access from SR 70 to Subphase III-BB and no wetland impacts within Subphase III-BB); and

**WHEREAS**, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

**WHEREAS**, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida,

#### SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #11, ORDINANCE 06-35:

Ordinance 06-35 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the TARA Development of Regional Impact. All prior Development Orders shall be superceded by this Ordinance; provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

#### SECTION 2. FINDINGS OF FACT:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for a Notice of Proposed Change requesting modification to the Development Order, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All findings set forth in the preamble of this Ordinance are adopted as findings of fact.
- B. The Developer\* of the Project\* submitted to Manatee County a Notice of Proposed Change (NOPC), dated October 6, 2009, a copy of which is on file in the Planning Department.
- C. Tara requested approval in the NOPC application of amendments to the Tara DRI to:
  - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, III-BB and III-Z and limit the size of the assisted living facility to no more than 300 beds.
  - 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.

- 3. Add Exhibit E a proposed Land Use Equivalency Table.
- 4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
- 5. Clarify locations were a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
- 6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
- 7. The addition of a Subphase III-BB to allow the transfer of commercial entitlements from Subphase III-R or III-Z and III-V or available residential units (or combination thereof) to the southwest corner of SR 70 and Tara Boulevard.
- 8. The addition of one access point on SR 70 associated with proposed Subphase III-BB.
- 9. To allow an approximate one acre impact to the wetland within the proposed Subphase III-BB site with corresponding mitigation.
- 10. The addition of an exhibit showing the location of the proposed wetland mitigation for the proposed Subphase III-BB.
- D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 12 of this Ordinance as required by Section 380.06, Florida Statutes. The recommendation of the Planning Commission was rendered on September 9, 2010, following a public hearing.
- E. The Planning Commission at their meeting on September 9, 2010 found the changes requested in the Notice of Proposed Change to be consistent with the Manatee County Comprehensive Plan and recommended to the Board that the applicant had rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order would not constitute a substantial deviation in accordance with Section 380.06, Florida Statutes, with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no adult assisted living facility use within the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
- F. The Board of County Commissioners held a public hearing on October 7, 2010 regarding the Notice of Proposed Change application requesting modifications to the Development Order to the DRI described herein, in accordance with the requirements of the Manatee County Land Development Code and the Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the public hearing.
- G. The following proposed changes requested in a Notice of Proposed Change to the DRI Development Order regarding the property described in Section 12 herein are found to be consistent with the requirements of the Manatee County Comprehensive Plan provided they proceed in accordance with the development conditions specified in Section 5:
  - The amendment of Map H to redistribute approved development as follows:
    - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, and III-Z and limit the size of the assisted living facility to no more than 300 beds.

- 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.
- 3. Add Exhibit E a proposed Land Use Equivalency Table.
- 4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
- 5. Clarify locations were a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
- 6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
- H. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Manatee Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.7 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- I. The real property involved in this development is located in Manatee County, Florida and is described in Section 12.
- J. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- K. The Tara development, as described in the Notice of Proposed Change application, is not located in an area of critical state concern.
- L. The authorized agent and his address for the Project is John Agnelli of Lake Lincoln, LLC 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
- M. The owner of the Property is Lake Lincoln, LLC, 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
- N. A comprehensive review of the any unmitigated external or regional impact generated by the Project\* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

#### SECTION 3. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
  - 1. The changes requested in the NOPC application will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
  - 2. The changes requested in the NOPC application are (with the exception of the creation of Subphase III-BB to allow transfer of commercial entitlements from Subphase III-R, III-Z or III-V or available residential units (or a combination thereof) to the southwest corner of SR 70 and Tara Boulevard and with the exception of adding an adult assisted living facility use to the requested Subphase III-BB, excluding the access point for the requested Subphase III-BB to SR 70 and excluding the one acre impact to wetlands within the requested Subphase III-BB) are consistent with the Manatee County Land Development Code-and are consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

- Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the Manatee County Comprehensive Plan.
- 3. The changes requested in the NOPC application as described in Subparagrah A2 above and, as conditioned by this Development Order (with the exception of the creation of Subphase III-BB with no residential or commercial entitlements to be transferred to Subphase III-BB from other phases within the boundaries of the DRI, no access from SR 70 to requested Subphase III-BB and no associated wetland impacts within the requested Subphase III-BB), are is consistent with the report and recommendations of the TBRPC approved on June 14, 2010 regarding this NOPC.
- 4. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- 5. The review by the County\*, the TBRPC and other participating agents and interested citizens reveals that regional impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, subject to the terms and conditions of this Development Order and the ADA\*. To the extent that the ADA\* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
- 6. Pursuant to Section 380.06(19)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 October 6, 2009 and approved pursuant to Ordinance 10-50, are a Substantial Deviation (with the exception of the creation of Subphase III-BB and with no residential or commercial entitlements transferred to Subphase III-BB, no access to SR 70 to the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
- 7. The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- 8. TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- 9. This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- 10. TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to approval of the changes requested in the NOPC application (with the exception of the creation of Subphase III-BB and a transfer of either residential or commercial entitlements to the proposed Subphase III-BB, no access to SR 70 to the requested Subphase III-BB and no wetland impacts within the requested Subphase III-BB) in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

#### SECTION 4. DEVELOPMENT COMPONENTS

<u></u>			
LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	N/A	399,631*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres
Hotel	79 Rooms	36,869	N/A

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2015
Residential dwelling units	719	299	1,701
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	84,901	10,100	0 -304,630*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center (COMPLETED)
Hotel			79 Rooms (36,869)* (Completed)

<sup>\*</sup>Eighty-one (81) additional hotel rooms may be traded for 37,798 square feet of Commercial Use. The hotel use is only authorized to be built in Subphases III-U and III-AA.

- 1. The Land Use Equivalency Matrix in Exhibit E allows the developer limited variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented are based on p.m. peak hour trip generation factors.
- 2. In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, schools, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS). The Planning Director shall administratively review and approve all land use exchanges utilizing the LUEM.
- 3. An application for a Land Use Exchange must include a tracking chart which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.
- 4. Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to approval by Manatee County. In addition, all future conversions shall be duly noted within the subsequent Biennial Report submitted for the project.

5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit E of the Development Order.

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

#### I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the Developer.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Natural Resources Department (NRD) or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to County approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Natural Resources Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County NRD Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. As construction within each phase of the development is completed, the water quality monitoring program for the development may be modified at the request of the developer with NRD approval. Monitoring shall be terminated five (5) years following completion of the final phase of construction unless NRD has approved an earlier termination date.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be

either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Subphases III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for Subphases III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells, which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data

- acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Subphases III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the NRD with the initial Preliminary Site Plan for Phase III. (COMPLETED) Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria, which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

#### SECTION 6. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

#### SECTION 7. NOISE ABATEMENT

A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner, which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase, which is affected by these noise standards.

#### **SECTION 8. SCHOOL SITE**

A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

#### **SECTION 9. ROADWAY IMPROVEMENTS**

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)
- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
  - (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Subphases III-R, III-T, III-U, III-V, III-W, III-X, or III-Y. (COMPLETED)
  - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be

utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. (COMPLETED)

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
  - (1) At the intersection of Tara Boulevard and State Road 70:
    - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
    - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
    - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
    - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED
  - (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
  - (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer initiated a transportation monitoring program in Year 2003. The findings were reported in each Annual Report beginning in Year 2003. They shall continue on a biennial basis beginning in Year 2010, until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

(1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.

(2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

#### **SECTION 10. GENERAL CONDITIONS**

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2010) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit a biennial DRI report to Manatee County, the TBRPC, and the state land planning agency on the 13th day of November on even number years, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The biennial report shall contain the information required by the state land planning agency to be included in the biennial report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file a biennial report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
  - (a) East of the main entrance on SR 70
  - (b) Main entrance road near SR 70
  - (c) Between Braden River Road and the Braden River on SR 70
  - (d) East of U.S. 301 relocated on SR 70
  - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 9.F of this Development Order.

E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal on behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

#### **SECTION 11. CONCURRENCY AND PHASING**

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.), which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2015

Preliminary site plans shall be valid as set forth in the LDC. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases, which have valid final site plans, and construction plans in existence on July 25, 1996. These subphases include:

(1) Phase I-B renamed as Phase II-A on Exhibit B (Map H)

- (2) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (3) Phase I-J renamed as Phase II-J on Exhibit B (Map H)

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

D. The Certificate of Level of Service #01-077 shall be valid until January 28, 2015.

#### **SECTION 12. LEGAL DESCRIPTION**

A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23. TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E. ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA, 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W. ALONG SAID LIMITED ACCESS R/W. 2701.71 FT.. TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01:, 847.92 FT. TO THE P.C.C.

OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT, RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34,75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.: THENCE NORTHWESTERLY. ALONG SAID R/W. AND THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST. HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W. ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

#### TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.
ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

#### LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

#### **SECTION 13. GENERAL**

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, The Manatee County Comprehensive Plan and the Land Development Code shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
  - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
  - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
  - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
  - 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
  - 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
  - 6. Revised Exhibit B (Map H) (dated June, 2010) together with Exhibits A, C, D E.
  - 7. The Transportation Analysis dated October 10, 2000 and June, 2003.

- 8. The application for a Notice of Proposed Change dated, October 6, 2009, together with supporting documents.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

#### **SECTION 14. RESTRICTION ON DOWN ZONING**

- A. The County may not downzone or reduce the intensity or unit density permitted by this Development Order prior to January 28, 2015 unless the County can demonstrate that:
  - 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
  - 2. The order was based upon substantially inaccurate information provided by the Developer; or
  - 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

#### **SECTION 15. BINDING ORDER UPON DEVELOPER**

A. This Development Order shall be binding upon the Developer and its successors in interest.

#### **SECTION 16. RENDITION**

A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

#### **SECTION 17. NOTICE OF RECORDING**

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

#### **SECTION 18. SEVERABILITY**

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

#### **SECTION 19. EFFECTIVE DATE**

A. This Ordinance 10-50 shall become effective upon the filing of a certified copy of the executed ordinance 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 for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 06-35 during pendency of any appeal.

#### **SECTION 20. TERMINATION**

A. This Development Order shall terminate on January 28, 2015 unless otherwise extended by law.

**ADOPTED** with a quorum present and voting, this 7<sup>th</sup> day of October, 2010.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Ву:

Donna G. Hayes, Chairman

ATTEST:

R. B. SHORE

Clerk/of the Circuit Court

Deputy Clerk

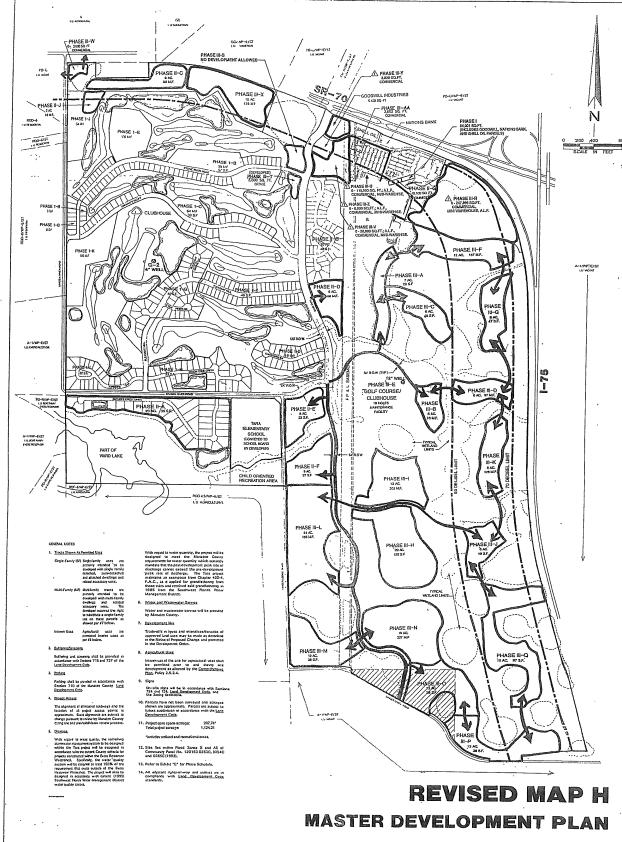
#### **EXHIBIT A**

#### TABLE I

## SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL	AREA
Hearing Loss	L <sub>eq(24)</sub> 70 dB	All areas
Outdoor activity interference and annoyance	L <sub>dn</sub> 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	L <sub>eq(74)</sub> 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity	L <sub>dn</sub> 45 dB	Indoor residential areas
interference and annoyance	L <sub>eq (24)</sub> 45 dB	Other indoor areas with human activities such as schools, etc.

 $<sup>^1</sup>$  L  $_{\rm eq(24)}$  represents the sound energy averaged over a 24-hour period while L  $_{\rm dn}$  represents L  $_{\rm eq}$  with a 10 dB nighttime weighting.



for

#### TARA

A REVISED JUNE, 2010

SECTION 13, 14, 23 & 24, TWP. 35 S. RGE. 18 E.,

MANATEE COUNTY, FLORIDA

DATE: FEBRUARY 2, 1996

REVISED MARCH 20, 1996

LOMBARDO, FOLEY & KOLARIK, INC.
CORREST Eighers, Surveyors and Planners
P.O. Box 120 + 255 4th Street Ward + Plannish, Florida 2421 \* 0.607 722-4527

Revised October, 2010

#### EXHIBIT "C" to Map H Parcel Breakdown by Phase

RESIDENTIAL				
			PHASES	
PARCEL	NUMBER UNITS	I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128

TOTAL	2,719	719	299	1,701
COMMERCIA	AL .			
			PHASES	
PARCEL	SQUARE FEET	I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	84,901	84,901		
II-G	10,100		10,100	
III-AA	0-3,600			0-3,600
III-R	0-247,899***			0-247,899***
III-S	0			0
III-T	8,000**			8,000**
III-U	0-115,000**			0-115,000**
III-V	0-20,000**			0-20,000**
III-W	0-3,000**			0-3,000**
III-Y	0-18,800**			0-18,800**
III-Z	0-8,000**			0-8,000**
	436,500**	84,901	0-10,100	0-341,499**
OTHER				
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance

<sup>\*</sup> Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

<sup>\*\*</sup> The Developer shall have the right to transfer all or part of building square footage between non-residential subphases as depicted on Map H. Any transferred square footage may be used for the uses as depicted on Exhibit D. In addition, the Developer has the right to utilize the LUEM to "exchange" land uses in accordance with the thresholds established pursuant to the LUEM provided the Developer demonstrates compliance with all other provisions of this ordinance.

<sup>\*\*\*</sup> The FAR on Subphase III-R shall not exceed 0.26.

### Exhibit D Revised, July 2010 Permitted Uses by Subphase Uses proposed within this change are in Boldface Text

LIOFO		Subphase III-		REMAINING
USES AGRICULTURAL USES	Subphase III-Y	W	Suppnase III-R	COMMERCIAL
Agricultural Research Facilities	Х	X	Х	Х
Agriculture	P	^	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	^ P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	P	X	P	^ P
Stables or Equestrian Center:	•	^		
Public	Х	X	X	X
Veterintary Hospitals	X	X	P	P
COMMERCIAL USES-RETAIL		^	<u> </u>	
Auction Houses, Open				
	X	X	X	X
Auction Houses, Enclosed	X	X	X	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment Retail Sales, Neighborhood Convenience	X P**	X P	P P	P · P
Retail Sales, Neighborhood General	P	P	P	Р
Drive-Thru Eating Establishment	X	P	P	P
Eating Establishment	P	Р !	P	Р
Farm Equipment and Supply Establishment	×	×	P	P
Gas Pumps	Х	Р	Р	Р
MH/RV Sales, Rental, Leasing	Х	Х	Р	Р
General Retail Sales Uses	Р	Х	Р	Р
Service Station	Х	Р	Р	Р
COMMERCIAL USES-SERVICES				
Banking:				
Bank	Р	Р	Р	Р
Bank/Drive-Through	P*	Р	Р	P
Business Services	Р	Р	Р	Р

USES	Subphase III-Y	Subphase III- W	Subphasa III. P	REMAINING COMMERCIAL
Health Services:	Oubphase III-1	VV	Oubpliase III-IX	COMMENCIAL
Professional Office	Р	Р	Р	Р
Clinic	P	P	Р	Р
Veterinary Clinic	P*	P	P	P
Medical and Dental Laboratory	X	×	P	P
Nursing Home	X	P	Р	<u>'</u> Р
Industrial Service Establishment	X	X	Р	 P
Lodging Places:				1
Bed and Breakfast	X	Р	Р	 Р
Boarding House	X	Р	X	 X
Hospital Guest House	X	P	X	X
Hotels	X	X	X	P***
RV Park	X	X	Р	P
Miscellaneous Services:			·	
Office	Р	Р	Р	Р
Car Wash, Self Service	X	Х	Р.	P
.Car Wash, Incidental	X	Р	Р	Р
Car Wash, Full Service	X	Х	Р	P.
Construction Service Establishment	X	Х	Р	Р
Dry Cleaners, Neighborhood	Х	Р	Р	Р
Dry Cleaners, General	X	Х	Р	Р
Dry Cleaners, Pick-up	P*	Р	Р	Р
Food Catering	X	Χ	Р	P
Funeral Chapel	X	Р	Р	Р
Funeral Home	X	Р	Р	Р
Lawn Care/Landscaping	X	Х	Р	Р
Personal Service Establishment	Р	Р	Р	Р
Rental Service Establishment	X	X	Р	Р
Repair Service Establishment	P*	Р	Р	Р
Motor Vehicle Repair:				
Neighborhood Serving	Х	Р	Р	Р
Community Serving	X	Х	Р	Р
Major	X	Х	Р	X
Sign Painting Service	Х	X	Р	Р

	}	Subphase III-		REMAINING
USES	Subphase III-Y	W		COMMERCIAL
Taxi-Cab, Limousine Service	X	X	Р	Р
Wholesale Trade Establishment	X	Х	Р	Р
COMMUNITY SERVICE USES	1		r	
Cultural Facilities	X	Р	Х	X
Emergency Shelters	Х	Х	Х	X
Emergency Shelter Home	X	Р	Х	X
Outpatient Treatment Facility	. X	X	Х	X
Post Offices	X	Р	· X	X
Private Community Uses	Х	Р	Х	X
Public Community Use	Х	Р	Р	Р
Public Use Facilities	Х	Р	Р	Р
Radio, TV, Communications, Microwave Facilities	Х	Р	Р	P
Residential Treatment Facilities	Х	Р	Х	X
Resource Recovery Facilities	Х	X	Х	Χ .
Utility Use	P*	Р	Р	Р
MISCELLANEOUS USES				etti ya arini kalinza
Flea Markets:				
Enclosed	Х	Х	Р	Р
Open	Х	Х	Р	Р
Outdoors Advertising Signs	Х	Χ	Р	Р
Parking, Commercial	Р	Р	Р	Р
Towing Service and Storage Establishment	х	Х	Р	P
OPEN USE OF LAND - LIGHT				
Cemetary:				
Human	P*	Р	X	Х
Pet	P*	Р	X	Х
Game Preserve	X	Х	Х	Х
Land Reserves, Public or Private	Р	Р	X	Х
Tree Farm	Х	Р	Х	Х
Minor Earthmoving	P*	Р	Р	Р
RECREATION USES:				
Low intensity Recreational Uses	P*	Р	Р	Р
High Intensity Recreational Uses	Х	Х	Р	Р
Medium Intensity Recreational Uses	Х	X	Р	Р

USES	Subphase III-Y	Subphase III- W	Subphase III-R	REMAINING COMMERCIAL
Passive Recreational Use	P*	Р	Р	Р
RESIDENTIAL USES				
Adult Assisted Living Facility	Х	Х	Р	P#
Family Care Homes	Х	Р	Х	X
Group Care Home, Large	P*	Р	Р	Р
Group Care Home, Small	P*	Р	Р	Р
Group Housing	Х	Р	Х	X
Multiple Family Dwellings	Х	Х	Х	X
Residential Care Facility, Large	P*	Р	Р	Р
Residential Care Facility, Small	P*	Р	Р	Р
Recovery Home, Large	P*	Р	Р	Р
Recovery Home, Small	P*	Р	Р	Р
Single-Family Attached Dwellings	Х	Х	Х	X
Single Family Detached Dwellings	Х	P+	Х	Х
Single-Family Semi-Detached Dwellings	Х	Х	X	Х
Duplex Dwellings	Х	P+	Х	Χ.
Triplex and Quadraplex Dwellings (multifamily, 4 units max)	Х	Х	Х	X
RESIDENTIAL SUPPORT USES				
Churches or Other Place of Worship	P*	Р	Р	Р
Day Care Center, Large	P*	Р	Р	Р
Day Care Center, Medium	P*	Р	Р	Р
Day Care Center, Small	Х	Р	Х	X
Day Care Facilities (Accessory)	P*	Р	Р	Р
Day Car Home	Х	Х	Х	X
Schools, Elementary	Х	Р	Х	X
Schools, High School	Х	Р	Х	X
Schools, Middle	Х	Р	Х	Х
Schools of Special Education	P*	Р	Р	Р
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	Р	Х	Χ
Heliport	Х	Х	Р	Р
Helistop	P*	Р	Х	X

USES	Subphase III-Y	Subphase III- W	Subphase III-R	REMAINING COMMERCIAL
WAREHOUSING				
Warehouse - Mini	P*	<del>P</del> -P*	<del>P.</del> P*	₽₽*

#### P = Permitted

P\* = With limitations, as specified in Section 704, conditional Use Criteria, The Amended Development Order, or elsewhere in the Code

P\*\* = Neighborhood Convenience Retail Sales uses are permitted with the exception of
Convenience Stores which are not allowed on Subphase III-Y
P\*\*\* = Hotel use is authorized to be developed only in Subphase III-U and III-I
P+ = Allowed with specific criteria per Table 6-1 in the Code
P# = Adult Assisted Living Facilities shall be limited to remaining commercial Subphases III-U, III-V, III-AA
AP = Administrative Permit Required

		EXHI LAND USE E TAR June	EXHIBIT F LAND USE EQUIVALENCY TARA DRI June 2010			
"A"				"B"		
			EQU	EQUIVALENT USES		
LAND USES THAT ARE TO BE TRADED	# OF SINGLE- FAMILY DWELLING UNITS	# OF MULTI- FAMILY APARTMENTS	# OF SQ. FT. RETAIL	# OF ALF BEDS	# OF SQ. FT. MINI- WAREHOUSE	# OF SQ.FT. OF OFFICE
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.45)	(321.00)	(6.00)**	(3259.00)	(546.00)
MULTI FAMILY APARTMENT	(69.0)	(1.00)	(222.00)	(6.00)**	(2248.00)	(376.00)
1000 SQ. FT.OF RETAIL	(3.13)	(4.54)	(1000.00)	(11.56)	(10179.00)	(1708.00)
1 ALF Bed	(0.17)**	(0.17)**	(88.00)	(1.00)	(899.00)	(151.00)
1000 SQ. FT. OF MINI-WAREHOUSE	(0.31)	(0.45)	(100.00)	(1.15)	(1000.00)	(171.00)
1000 SQ. FT. OF OFFICE	(1.84)	(2.66)	(589.00)	(6.79)	(5979.00)	(1000.00)

\* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 321 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 321 Sq. Feet.

In order to preserve the multi-use nature of this development , land use exchanges will be limited so that the following minima and maxima for each land use will be observed:

Use	Min	Max
Commercial (sf)	255,300	514,200
Office (sf)	8,000	50.000
ALF (beds)	0	300
Mini-Warehouse (sf)	0	115,000

The proposed maximums have been established to not exceed any substantial deviation thresholds. A calculation to demonstrate this will be included with any application utilizing the LUEM.

# PDR/PDC-96-03(G)(R9) - Exhibit E - Page 1 of 1

Exhibit E

# DIMENSIONAL CHART

Uses		Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ff.)	Rear (ft.)
Single family detached		35	45-79	5,000	20/15 <sup>(a)</sup>	9	15
Single family detached		35	80 or greater	9,000	25/20 <sup>(a)</sup>	8	15
Zero lot line (SF detached)		35	45	5,000	20/15 <sup>(a)</sup>	0/10 <sup>(b)</sup>	15
Single family attached		35	25/35 <sup>(c)</sup>	2,500/3,500 <sup>(c</sup>	20/15 <sup>(a)</sup>	0/10 <sup>(b)</sup>	15
Single family semi-detached		35	35	4,000	20/15 <sup>(a)</sup>	7.5	15
Duplex		35	70	8,000	20/15 <sup>(a)</sup>	8	15
Multi-family		3 stories/35			25	10 <sup>(d)</sup>	15 <sup>(d)</sup>
Commercial/office/hotel		3 stories/35	70	7,500	30(e)	15 <sup>(e)</sup>	20 <sup>(e)</sup>
Park, recreation center		35	70	7,500	25	15	15
Parcel II-D	Multi-family	2 stories/35			30	10/35 <sup>(f)</sup>	15
	Single family	35	09	7,000	25	7.5	15
Parcel II-E		35	09	7,000	25	7.5	15

(a) Front setbacks for units with side entry garages.

(b)Applies to one side.

(c)Minimum width and size for corner or end units. (d)Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater. (e)Buildings shall be set back a minimum of 50' from any residential lot.

(f)Multi-family dwellings shall be set back 35' from any single family lot.

The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses. NOTE:





NOV 17 2010

Tampa Bay Regional Planning Council



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.

Wilness my hand and official seal the 200 day of





# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 17, 2007

Patrica A. Petruff, Esq. Dye, Deitrich, Petruff & St. Paul, P.L. 1111 3rd Ave. West, Suite 300 Bradenton, FL 34205

Re: Tara DRI#11 - Extension of phase, buildout, and expiration dates

Dear Ms. Petruff:

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 TARA DRI was under active construction on July 1<sup>st</sup>.

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

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

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

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future

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

NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for TARA DRI are set forth below:

Manatee County Ordinance 06-35 TARA-Manatee, Inc. is now amended to read as follows:

## SECTION 2. CONCLUSIONS OF LAW:

(D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	436,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996- <del>2010</del> <u>2013</u>
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 -341,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

## SECTION 9. CONCURRENCY AND PHASING

C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II:

1995 through 2003

Phase III:

1996 through 2010 2013

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

The Certificate of Level of Service #97-007 shall be valid until January 28, 2010 2013.

## SECTION 19. TERMINATION.

This development order shall terminate on January 28, 2010 2013 unless otherwise extended by law.

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

Sincerely,

Robert H. Pederson, AICP

Community Planning Administrator

#### RESOLUTION NO. R-07-180

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

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

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

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

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

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

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

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

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

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES. Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

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

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

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

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

R-07-180

## ADOPTED THIS 9<sup>TH</sup> 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

By: Lusangumi

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.)		
×	I	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum		
ATTACHMENTS:	ATTACHMENTS: (List in order as attached)  INSTRUCTIONS TO BOARD RECORDS:			
Resolution No. R- 07-180		Please forward a copy of the adopted Resolution to:  County Attorney's Office – Bill Clague  Planning Department – Bobbi Roy		
COST:	N/A		SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

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# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0520 0015 6095 9935

June 29, 2006

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

Re: Development Order for Tara-Manatee, Inc. Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 06-35, the DRI Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on May 9, 2006 as required by Rule 9J-2.025(5), Florida Administrative Code.

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

Sincerely,

Robert H. Pederson, AICP

Community Planning Administrator

RHP/br Enlcosure

## FILED FOR RECORD R. B. SHORE

# MANATEE COUNTY ORDINANCE 06-35 TARA-MANATEE, INC.

2006 MAY 23 AM 8: 50

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER TO COURT PURSUANT TO CHAPTER 380, FLORIDA STATUTES, SUBSTANTIAL COURT DEVIATION FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; ADD 75,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT TO THE PROJECT TOTAL; AMEND EXHIBIT C AND MAP H TO REFLECT THE ABOVE CHANGE; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on April 8, 2004, and

WHEREAS, public hearings were held before the Board of County Commissioners on April 27, 2004, May 18, 2004 and May 25, 2004, and

WHEREAS, the Board of County Commissioners initially denied the request of TARA-MANATEE, INC. for the additional 75,000 square feet of commercial development, and

WHEREAS, MANATEE COUNTY and TARA-MANATEE, INC. entered into a dispute resolution proceeding DR-04-02 pursuant to Sec 70.51, Fla. Statutes, and

WHEREAS, such DISPUTE RESOLUTION PROCEEDING resulted in the PROPOSAL FOR SETTLEMENT AND OFFER TO COMPROMISE dated February 14, 2006, and

WHEREAS, upon publication and furnishing of due notice a public hearing on these proceedings was held before the Board of County Commissioners of Manatee County, Florida on May 4 and 9, 2006, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member

of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

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

**WHEREAS**, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this, 9<sup>th</sup> day of May, 2006 as follows:

#### SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
  - (1) is not located in an area of critical state concern, and
  - does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
  - (3) is consistent with local land development regulations; and
  - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant requests approval of an amendment to the Tara DRI to add 75,000 square feet of commercial development and amend Map H and Exhibit C to reflect this change.

#### SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	436,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2010
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 -341,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

<sup>\*</sup>Either a160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U or Subphase III-I.

#### SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the

- developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's iurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

#### SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

#### SECTION 5. NOISE ABATEMENT.

A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

#### SECTION 6. SCHOOL SITE.

A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

#### SECTION 7. ROADWAY IMPROVEMENTS.

A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
  - (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-U, III-U, III-W, III-X or III-Y. (COMPLETED)
  - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
  - (1) At the intersection of Tara Boulevard and State Road 70:
    - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
    - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
    - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
    - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

#### SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2003) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that

agency, pursuant to Section 380.06(18), FS Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
  - (a) East of the main entrance on SR 70
  - (b) Main entrance road near SR 70
  - (c) Between Braden River Road and the Braden River on SR 70
  - (d) East of U.S. 301 relocated on SR 70
  - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 7.F of this Development Order.
- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal on behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

#### SECTION 9. CONCURRENCY AND PHASING

A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II:

1995 through 2003

Phase III:

1996 through 2010

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

**D.** The Certificate of Level of Service #97-007 shall be valid until January 28, 2010.

#### SECTION 10. LEGAL DESCRIPTION.

A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE. 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF: THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W. ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST. HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01:, 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID

POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY. ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13. 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

#### TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

#### ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

#### LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

#### SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
  - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
  - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
  - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.

- 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
- 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
- 6. Revised Map H (dated April, 2006) together with Exhibits A, B, and C.
- 7. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

#### SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to January 28, 2010 unless the County can demonstrate that:
  - 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
  - 2. The order was based upon substantially inaccurate information provided by the Developer; or
  - 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

#### SECTION 13. BINDING ORDER UPON DEVELOPER.

A. This development order shall be binding upon the Developer and its successors in interest.

#### SECTION 14. RENDITION.

A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

#### SECTION 15. NOTICE OF RECORDING.

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

#### SECTION 16. SEVERABILITY.

A. 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 provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

#### SECTION 17. EFFECTIVE DATE.

A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

#### SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

A. The previous development order for TARA which was adopted on November 30, 2004 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

#### SECTION 19. TERMINATION.

A. This development order shall terminate on January 28, 2010 unless otherwise extended by law.

**ADOPTED** with a quorum present and voting, this 9<sup>th</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

RV.

Chairman

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

SEAL SOLUTION OF SEAL S

Deputy Clerk

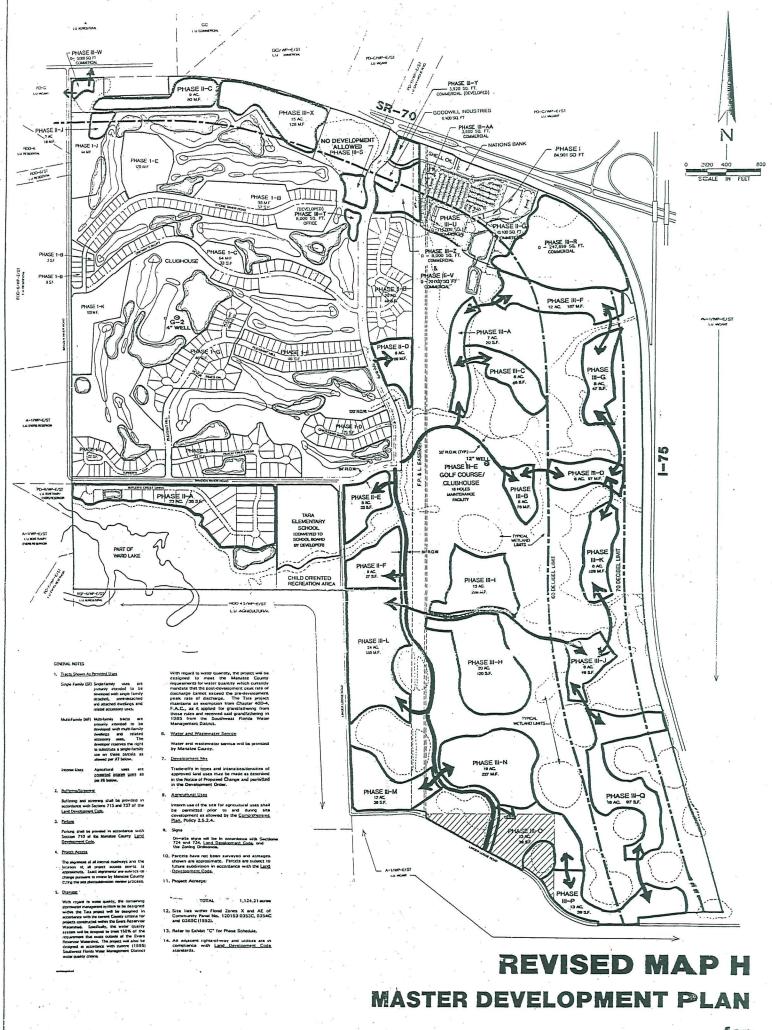
#### **EXHIBIT A**

#### TABLE I

# SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL	AREA	
Hearing Loss	L <sub>eq(24)</sub> 70 dB	All areas	
Outdoor activity interference and annoyance	L <sub>dn</sub> 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use	
	L <sub>eq(74)</sub> 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.	
· Indoor activity	L <sub>dn</sub> 45 dB	Indoor residential areas	
interference and annoyance	L <sub>eq (24)</sub> 45 dB	Other indoor areas with human activities such as schools, etc.	

 $<sup>^1</sup>$  L  $_{\rm eq(24)}$  represents the sound energy averaged over a 24-hour period while L  $_{\rm dn}$  represents L  $_{\rm eq}$  with a 10 dB nighttime weighting.



for

# TARA

SECTION 13, 14, 23 & 24, TWP. 35 S. RGE. 18 E.,

MANATEE COUNTY. FLORIDA

REVISED APRIL, 2006 (ADD 75,000 80, FT. TO PHASE III R REVISED AUGUST, 2004 (PHASE III-H + II-H TO PHASE III)
APPROVED REVISION JULY, 2004
REVISED AUGUST 28, 1998
REVISED MARCH 10, 2004
REVISED AUGUST 9, 1998 (REMOVE III-Y)

LOMBARDO & SKIPPER, INC.
Consulting Engineers, Surveyon & Planners
P.O. Box 155 - 825-41h Street West - Palmetto, Florida 34221 - (813) 722-4561 - 748-01



TATE: FEBRUARY 2, 1996 REVISED MARCH 20, 1996

ORD. Obs. EXHIBIT "B"



# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1873

December 15, 2004

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

. November

Enclosed is a certified copy of Ordinance 04-68 the Development Order for the Tara-Manatee, Inc. Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on -December 30, 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 PLED FUR RECORD R. B. SHORE

## MANATEE COUNTY ORDINANCE 04-68 TARA-MANATEE, INC.

2004 CFC 14 AM 9: 01

AN\_ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, IMPACT DEVELOPMENT ORDER, AS AMENDED; TO MOVE SUBPHASES II-H AND II-I INTO PHASE III AND RENAME THEM III-Z AND III-AA RESPECTIVELY; AMEND EXHIBIT C TO COMPLY WITH THE APPROVED MAP H; AMEND MAP H TO REFLECT THE ABOVE CHANGES, AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on November 4, 2004 and before the Board of County Commissioners of Manatee County, Florida on November 30, 2004; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this,  $30^{\rm th}$  day of November, as follows:

# SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
  - (1) is not located in an area of critical state concern, and
  - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
  - (3) is consistent with local land development regulations; and
  - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant previously submitted and received approval of a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.
- F. The applicant requests approval of an amendment to the Tara DRI to move Subphases II-H and II-I to Phase III and rename them III-Z and III-AA, respectively, amend Exhibit C to comply with the approved Map H, and amend Map H to reflect the above changes.

# SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.

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(D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 - 266,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

<sup>\*</sup>Either a160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U.

# SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the oninion of the Management Court o

Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s)
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee Specifically, a stormwater management system must be designed and operated to in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by aquifer zone on the TARA property. Such augmentation program shall not be discharged over the Evers Reservoir dam. If TARA can substantiate with data development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current function which requires that the post-development peak rate of vear/24 hour storm event.

# SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County B.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

# SECTION 5. NOISE ABATEMENT.

A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

# SECTION 6. SCHOOL SITE.

A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled amount of \$170.602.50.

# SECTION 7. ROADWAY IMPROVEMENTS.

A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. Order), it has required another developer to construct said signal and that any developer. (COMPLETED)

- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
  - (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)
  - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass.
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and the TBRPC for review and approval. The transportation conditions in the impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
  - (1) At the intersection of Tara Boulevard and State Road 70:
    - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
    - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included COMPLETED
    - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
    - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction.

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or level of service below the level of service standard established for that location with project's impact to that roadway is greater or equal to 5 percent of the level of service improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through provisions of Chapter 380, Florida Statutes.

# Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

# SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated the phasing schedule and unit type in accordance with procedures in the existing Land modifications do not cause increased off-site impacts greater than those presented in the for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land conditions of this order are satisfied. Manatee County shall review the report for be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that hearing where such report is to be considered or reviewed; provided, however, that receipt or change of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order.

annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
  - (a) East of the main entrance on SR 70
  - (b) Main entrance road near SR 70
  - (c) Between Braden River Road and the Braden River on SR 70
  - (d) East of U.S. 301 relocated on SR 70
  - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 7.F of this Development Order.
- Order by the DCA or the TBRPC, the Developer shall pay all costs and fees of County Staff the rate of the processing fee for the Developer related to said appeal or legal challenge at 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. In the event the Developer prefers to satisfied with the counsel selected by the Developer, the Developer shall have the right to for the payment of all fees due to said appeal. In such case, the Developer shall be liable County attorneys, to the extent their assistance is needed by said outside counsel. Payment Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.
- F. Pursuant to the project timing established in Tara Development Order, Phase II has expired. There shall be no further site plans approved for any subphase within Phase II unless a DRI amendment permits a time extension for Phase II.

# SECTION 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land provision shall not apply if the property in which this site plan is part of was included as part Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the

requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, (1)

- Phase I-B renamed as Phase II-A on Map H
- (2)Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

# SECTION 10. LEGAL DESCRIPTION.

Development of TARA shall be restricted to the 1,124.21 acres described below: Α.

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53"

W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01:, 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT RAW OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

### TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE

# Page 14 - Ordinance 04-68 - Tara DRI #11

OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

#### ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC

#### LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

# SECTION 11. GENERAL.

- This ordinance shall constitute a development order issued in accordance with Chapter 380 Α. FS. B.
- Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.

- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
  - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
  - The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
  - The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
  - D. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
  - E. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
  - 6. Revised Map H (dated August 2004) together with Exhibits A, B, and C.
  - 7. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

# SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:
  - 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
  - 2. The order was based upon substantially inaccurate information provided by the Developer; or
  - The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

# SECTION 13. BINDING ORDER UPON DEVELOPER.

This development order shall be binding upon the Developer and its successors in interest. Α.

## SECTION 14. RENDITION.

The Planning Department is hereby directed to send certified copies of this order within Α. thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the

# SECTION 15. NOTICE OF RECORDING.

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

# SECTION 16. SEVERABILITY.

Α. 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 provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and

# SECTION 17. EFFECTIVE DATE.

Α. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

# SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

A. The previous development order for TARA which was adopted on May 25, 2004 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

# SECTION 19. TERMINATION.

This development order shall terminate on November 13, 2007 unless otherwise extended A.

HIIIIIIIIIIIII

02,08

ADOPTED with a quorum present and voting, this 30th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS OF MANATÉE COUNTY, FLORIDA

Chairman

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

STATE OF FLORIDA, COUNTY OF HANATRE This is to certify that the feregoing is a true and correct copy of the documents on file in my

STATE OF FLORIDAL COUNTY OF HIS ATTER This is to certify that the foregoing is a true and correct copy of the documents on his in my of



# MANATEL COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1996

June 16, 2004

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-33, the Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on May 25, 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



#### MANATEE COUNTY ORDINANCE 04-33 TARA-MANATEE, INC.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND APPROVING A SUBSTANTIAL DEVIATION TO THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 01-44, DRI #11, AS AMENDED; TO ADD 10 ADDITIONAL HOTEL ROOMS (EQUIVALENT TO 4,667 SQUARE FEET); THE AUTHORIZATION TO CONSTRUCT EITHER TWO 80-ROOM HOTELS OR A SINGLE 160-ROOM HOTEL; APPROVE THE ABILITY TO TRANSFER SQUARE FOOTAGE BETWEEN NON-RESIDENTIAL SUBPHASES, AMEND MAP H TO REFLECT THE ABOVE CHANGES, AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLETED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on April 8, 2004 and before the Board of County Commissioners of Manatee County, Florida on April 27, 2004, May 18, 2004, and May 25, 2004; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this,18th day of May, as follows:

#### SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
  - (1) is not located in an area of critical state concern, and
  - does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
  - (3) is consistent with local land development regulations; and
  - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant previously submitted and received approval of a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.
- F. The applicant requests approval of an amendment to the Tara DRI to add 10 additional hotel rooms (equivalent to 4,667 square feet) and the ability to build two-80 room hotels or one 160- room hotel.

#### SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the

Comprehensive Plan contained in this order are references to those particular sections.

(D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage	
Residential dwelling units	sidential dwelling 2,719		413.56 acres (including platted R/Ws)	
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)	
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres	
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)	
FP&L Easement	N/A	N/A	25.28 acres	
Rights-of-Way	N/A	N/A	31.63 acres	
Reservoir	N/A	N/A	16.60 acres	

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	0 - 13,700	0 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

<sup>\*</sup>Either a160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U.

# SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C..) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental

Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

## SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

#### SECTION 5. NOISE ABATEMENT.

A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen between the residential units and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

#### SECTION 6. SCHOOL SITE.

A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

### SECTION 7. ROADWAY IMPROVEMENTS.

A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
  - (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)
  - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
  - (1) At the intersection of Tara Boulevard and State Road 70:
    - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. <u>COMPLETED</u>
    - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. <u>COMPLETED</u>
    - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. <u>COMPLETED</u>
    - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. <a href="COMPLETED">COMPLETED</a>

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

### Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

#### SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2003)and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any

such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
  - (a) East of the main entrance on SR 70
  - (b) Main entrance road near SR 70
  - (c) Between Braden River Road and the Braden River on SR 70
  - (d) East of U.S. 301 relocated on SR 70
  - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 7.F of this Development Order.
- In the event of a Development Order appeal or other legal challenge of the E. Development Order by the DCA or the TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal on behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.
- F. Pursuant to the project timing established in Tara Development Order, Phase II has expired. There shall be no further site plans approved for any subphase within Phase II unless a DRI amendment permits a time extension for Phase II.

### SECTION 9. CONCURRENCY AND PHASING

A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not

required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II:

1995 through 2003

Phase III:

1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

### SECTION 10. LEGAL DESCRIPTION.

A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE

S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01:, 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W. AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42° 16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T.

OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

#### TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

#### ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

#### LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

### SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
  - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
  - The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
  - The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
  - 4. Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C.
  - 5. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

## SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:
  - Substantial changes in the conditions underlying the approval of the order have occurred; or
  - 2. The order was based upon substantially inaccurate information provided by the Developer; or
  - The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or

ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

# SECTION 13. BINDING ORDER UPON DEVELOPER.

A. This development order shall be binding upon the Developer and its successors in interest.

### SECTION 14. RENDITION.

A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

# SECTION 15. NOTICE OF RECORDING.

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

### SECTION 16. SEVERABILITY.

A. 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 provisions or portions shall be order shall remain in full force and effect.

### SECTION 17. EFFECTIVE DATE.

A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

# SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

A. The previous development order for TARA which was adopted on August 28, 2001 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

### SECTION 19. TERMINATION.

A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS

Chairman

ATTEST: , R.B. SHORE

Clerk of the Circuit Court

SEAI.

	NUMBER	PHASES				
PARCEL	UNITS	I COMPLETED*	II 2/95*-10/03*	III 9/96*-10/07*		
Phase I	719	719		3/30 -10/0/		
П-А	35		35			
II-B	49		49			
II-C	80		80			
II-D	69		69			
II-E	23		23			
II-F	27		27	,		
II-J	16		16			
III-A	20			20		
III-B	76			76		
III-C	46			46		
III-D	97			97		
III-F	187			187		
III-G	47			47		
III-H	120			120		
III-I	208			208		
III-J	19	·		19		
III-K .	128			128		
II-L	188			188		
II-M	36			36		
II-N	227			227		
II-O	38			38		
II-P	39			39		
II-Q	97			97		
I-X	128			128		

COMMERC	IAL					
PARCEL	SQUARE FEET	PHASES				
	DQOAIG FEET	I COMPLETED*	II 2/95*-10/03*	III 9/96*-10/07*		
Phase I	84,901	84,901		3,700 =10/07		
II-G	10,100		10,100			
II-H	Expired**	k	Expired*	*		
II-I	0-3,600		0-3,600			
III-R	0 - - 162,899**		3,300	0 - 162,899**		
III-S	0					
III-T	0 - 8,000**			0 ***		
III-U	0 - 100,000**			0 - 8,000**		
III-V	0 - 11,000			0 - 100,000**		
III-W	0-3,000**			0-11,000		
III-Y	0- 18,800**			0-3,000**		
	361,500**	84,901	0 - 13,700	0-18,800**		
OTHER		3-2-1	0 - 13,700	0 - 262,899**		
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance		

- \* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.
- \*\* Developer reserves the right to transfer all or part of the building square footage between non-residential subphases but in no case can the overall development exceed 361,500 square feet. Any transferred square footage may be used as commercial as noted in Attachment B.

'smrfl/Tara2002EN-Crev0304 wpd

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING
AGRICULTURAL USES		I.		COMMERCIAL
Agricultural Research Facilities	X	X		
Agriculture	P	Р	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	Р	X	X	X
Stables or Equestrian Center:		^	Р	Р
Public	X	X		
Veterinary Hospitals	X	×	X	X
COMMERCIAL USES - RETAIL			P	Р
Auction Houses, Open	X			
Auction Houses, Enclosed	_ ^	X	X	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment		X	X	X
Retail Sales, Neighborhood	X P**	X	<u> </u>	Р
Convenience	P	P	<u>P</u>	P
Retail Sales, Neighborhood General	Р	P	<u>P</u>	
Orive-Thru Eating Establishment	X	Р	<u> </u>	P
ating Establishment	Р	Р		P
arm Equipment and Supply stablishment	X	X	<u>P</u>	P
as Pumps	X	p		
H/RV Sales, Rental, Leasing	X	×	<u>P</u>	P
eneral Retail Sales Uses	Р	×	<u>P</u>	Р
ervice Station	X	P	P	P
OMMERCIAL USES - SERVICES		'	<u>P</u>	P
inking:				
Bank	P	P	Р	

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USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIA
Bank/Drive-Through	P*	Р	P	······································
Business Services	Р	Р	P	P
Health Services:				Р
Professional Office	Р	Р		
Clinic	Р	P	<u>P</u>	Р
Veterinary Clinic	P*	P	<u>P</u>	Р
Medical and Dental Laboratory	X	X	<u>P</u>	Р
Nursing Home	X	P	<u>P</u>	<u> </u>
Industrial Service Establishment	X		<u>P</u>	Р
odging Places:		X	<u> </u>	Р
Bed and Breakfast	X			
Boarding House	X	Р	P	Р
Hospital Guest House	X	P	<u>×</u>	X
Hotels	X	Р	<u> </u>	X
RV Park	<u> </u>	X	X	. P***
liscellaneous Services:	X	X	P	Р
Office				
Car Wash, Self Service	P	P	<u>P</u>	Р
Car Wash, Incidental	X	X	<u>P</u>	Р
Car Wash, Full Service	X	Р	<u>P</u>	Р
Construction Service Establishment	X	X .	P	. Р
	X	X	<u>P</u>	Р
Dry Cleaners, Neighborhood	X	Р	Р	P
Dry Cleaners, General	X	X	P	P
Dry Cleaners, Pick-up	P*	P	P	Р
Food Catering	X	X	Р	Р
Funeral Chapel	X	Р	P	P
Funeral Home	X	Р	В	p
Lawn Care/Landscaping	X	X	P	Р
sonal Service Establishment	Р	Р	Р	Р
tal Service Establishment	×	X	P	r .

USES ,	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
Repair Service Establishment	₽*	Р	Р	P
Motor Vehicle Repair:				
Neighborhood Serving	×	Р	Р	P
Community Serving	×	X	P	P
Major	×	X	Р	X
Sign Painting Service	X	X	Р	P
Taxi-Cab, Limousine Service	X	X	2	P
Wholesale Trade Establishment	X	X	P	P
COMMUNITY SERVICE USES				t .
Cultural Facilities	X	Р	X	X
Emergency Shelters	X	X	X	X
Emergency Shelter Home	X	P	X	X
Outpatient Treatment Facility	×	Χ	X	X
Post Offices	X .	Р	<u>X</u>	^ X
Private Community Uses	X	Р	X	^ X
Public Community Use	X	Р	P	^ P
Public Use Facilities	X	P	<u> </u>	P
Radio, TV, Communications, Microwave Facilities	X	P*	P	Р
Residential Treatment Facilities	×	P*	X	X
Resource Recovery Facilities	X	X	X	X
Itility Use	P*	P	P	P
MISCELLANEOUS USES				
lea Markets:				
Enclosed	X	X	<u> </u>	Р
Open	X	X	<u>.                                    </u>	Р
utdoor Advertising Signs	X	X	<u> </u>	þ
arking, Commercial	þ	P	<u> </u>	P
owing Service and Storage stablishment	X	×	P	Р

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USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIA
OPEN USES OF LAND - LIGHT	<b>-</b>			
Cemetery:				
Human	P*	Р	X	X
Pet	₽*	Р	<u>X</u>	^ X
Game Preserve	X	X	X	X
Land Reserves, Public or Private	Р	Р	X	X
Tree Farm	X	Р	X	×
Minor Earthmoving	p*	Р	P	^ P
RECREATION USES				<u> </u>
Low Intensity Recreational Uses	₽*	P		
High Intensity Recreational Uses	X	X	<u>P</u>	P
Medium Intensity Recreational Uses	X	X	<u>P</u>	Р
Passive Recreational Use	P*	P	<u> </u>	P
RESIDENTIAL USES			<u> </u>	Р
amily Care Homes	X	P		
Group Care Home, Large	P*	P	X	X
Group Care Home, Small	P*	Р	<u>P</u>	P
Group Housing	X	P	<u>P</u>	P
esidential Care Facility, Large	ρ∗	p .	X	X
esidential Care Facility, Small	P*	P	<u>P</u>	P
ecovery Home, Large	₽*	P	<u>P</u>	P
ecovery Home, Small	P*	P	<u>P</u>	P
ngle Family Detached Dwellings	X	P+	<u>P</u>	P
uplex Dwellings	X	P+	×	X
ESIDENTIAL SUPPORT USES			<u>X</u>	X
nurches or Other Place Of Worship	₽*	P		
y Care Center, Large	P*	P	<u>P</u>	Р
y Care Center, Medium	P*	P	P	Р
y Care Center, Small	X	p	<u>P</u>	Р

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING
Day Care Facilities (Accessory)	P*			COMMERCIAL
		Р	<u>P</u>	Р
Schools, Elementary	X	Р	X	X
Schools, High School	X	Р	X	X
Schools, Middle	X	Р	X	
Schools of Special Education	P*	P		X
TRANSPORTATION FACILITI	ES		<u>P</u>	Р
Bus RR Passenger	P*	P	V [	
Heliport	X		X	X
-ielistop		X	<u>P</u>	P
	P*	P	<u>X</u>	X
WAREHOUSING	_			
Varehouse - Mini	p*	o		

#### P = Permitted

P\* = With limitations, as specified in Section 704, conditional Use Criteria, or elsewhere in the Code P\*\* = Neighborhood Convenience Retail Sales uses are permitted with the exception of Convenience Stores which are not allowed on Parcel III-Y

P\*\*\* = Hotel use is authorized to be developed only in Subphase III-U.

X = Uses not allowed

+ = Allowed with specific criteria per Table 6-1 in the Code

SEAL Selection of South Court Court



## MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT "TO SERVE WITH EXCELLENCE"

September 4, 2001

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

2001, as required by Rule 9J-2.025(5), Florida Administrative Code adopted in open session by the Manatee County Board of County Commissioners on August 28, Enclosed is a certified copy of Ordinance 01-44, the Development Order for Tara-Manatee, Inc., as

If you need further assistance, please contact Misty Servia at (941)749-3070, extension 6839.

Sincerely,

New Suppins

Norm Luppino Planning Manager

Enlcosure

## MANATEE COUNTY ORDINANCE 01-44 TARA-MANATEE, INC.

REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 98-34, DRI #11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Transportation Analysis for a Development of Regional Impact (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Transportation Analysis pursuant to Section 380.06 (19), Florida Statutes; and WHEREAS, the Board of County Commissioners as the governing body of the local government

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and published; and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on August 9, 2001 and before the Board of County Commissioners of Manatee County, Florida on August 28, 2001, and

of the general public requesting to do so was given an opportunity to present written or oral argument on all issues, conduct cross-examination and submit rebuttal evidence and any member WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and communication; and

Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Transportation Analysis; and WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning

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

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

Manatee County, Florida, in a regular meeting assembled this 28th day of August, as follows: NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners 으

### **SECTION 1. FINDINGS OF FACT:**

- Herald, and Sarasota Hearld Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee proceedings. County Land Development Code and proof of such publication has been duly filed in these A Notice of Public Hearing in these proceedings was duly published in the Bradenton
- is described in Section 10. The real property involved in this development is located in Manatee County, Florida and
- $\Omega$ accordance with this Development Order. Construction of this project was previously begun and <u>s</u> currently developing Ξ.
- Ū determined that the TARA development described in the Application: Florida Statutes, and other applicable provisions of local and state law, the Board has Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14),
- (1) is not located in an area of critical state concern, and
- 2 state land development plan applicable to the area; does not interfere with the achievement of the objectives of any adopted
- ω is consistent with local land development regulations; and
- **£** in these proceedings, and is consistent with that report. and recommendations of the Tampa Bay Regional Planning Council on file adequately addresses the concerns of regional impact stated in the report
- Ш The applicant has submitted a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.

## SECTION 2. CONCLUSIONS OF LAW:

- $\mathfrak{F}$ County Land Development Code and Chapter 380, Florida Statutes, and that The proceedings have been conducted pursuant to the provisions of the Manatee
- $\widehat{\mathbb{B}}$ analysis are not a substantial deviation. TARA has shown that the changes resulting from review of the transportation
- 0 Comprehensive Plan contained in this order are references to those particular This application was reviewed against the Comprehensive Plan in effect as of the of application, and references to specific section numbers of the
- 0 conditions and limitations restricting development: change the TARA DRI #11, for the following development subject to the following application. Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said TARA sustained and proved all the material allegations and assertions made in the The Board previously approved and granted TARA's request to

Page 3 - Ordinance 01-44 - Tara DRI #11

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

<sup>\*</sup>One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

### SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- which water quality standards as defined in Chapter 62-302 F.A.C. and other activities proposed to be carried out on the site by the applicant. applicable laws and regulations are applicable to the TARA site and the specific Environmental Protection (FDEP) shall be the responsible agency for determining Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C..) shall be applicable to the project. The Florida Department of
- W pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting At such time as the County may adopt water quality standards under a local
- $\mathcal{O}$ during the construction phases of the project shall be subject to EMD approval. such data is provided to FDEP. Any additional stations which may be required Management Department or other appropriate County department at the same time sampling activities shall be provided to the Manatee County Environmental locations are specific to the TARA site. All data resulting from these water quality determined by FDEP and Manatee County provided that all required station Monitoring station location, sampling frequency, and reporting schedules shall be
- Ō cease immediately. Such order shall remain in full force and effect until the activity appropriate regulatory authority shall issue a written Notice of Violation and Stop Management Director, the violation constitutes a peril to life or property, the includes a finding that, in the opinion of the Manatee County Environmental Notwithstanding any other provision in this paragraph, if the Stop Work Order subject to the administrative appeals process of the Land Development Code is corrected to the satisfaction of the Environmental Management Department, quality criteria have been exceeded by activity occurring on the TARA site, the In the event that monitoring data affirmatively reflects that the prescribed water Work Order specifying the nature of the violation, and directing that such activity

the Stop Work Order. developer shall not be entitled to a stay during administrative or judicial review of

- Ш construction for each phase construction phases of the project and for five (5) years after the completion of The water quality monitoring program shall be continued throughout the
- . Ъ management plan dated March, 1984, which was approved for the TARA project. All retention lakes shall be constructed in accordance with the lake systems
- G the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements. Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into swales shall convey the runoff from the lots to the wetlands system adjacent to foot contour line and between Braden River Road and Linger Lodge Road. placed within the designated buffer zone for all lots which are below the ten (10) Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be discharge of stormwater runoff below the ten (10) foot contour line to the Evers to the extent of DEP's jurisdiction, whichever is greater. preserved shall be either the fifty (50) feet adjacent to the wetlands in question or addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be are located within the rights of way of the existing or proposed access roads. and nature paths, and existing county roads provided that such utility easements access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle allowed below the ten (10) foot contour line except that required for proposed No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be There shall be no direct
- エ conditions, limitations and restrictions imposed in applicable permits TARA shall install and maintain the water quality control system to comply with all
- -Construction of the proposed drainage system shall be certified by the engineer(s)
- ب maintenance and operation program approved by Manatee County for the project. The drainage/retention system shall be maintained in accordance with the
- ᄌ City of Bradenton notice of all pending FDEP permit applications The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the
- Ļ water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA. the Evers Reservoir from the TARA site shall not be significantly altered and the The TARA drainage system shall be designed to insure that the quantity of flow to
- < Manatee County for approval prior to construction plan approval of each phase plan for control of such potential pollution. construction and site activity shall be required. TARA shall prepare and furnish to Erosion and sedimentation controls necessary to protect water quality during

- z compliance with all applicable rules and regulations during and after construction. An inspection program may be instituted by either FDEP or the County to insure
- 0 established in Section 717 of the Manatee County Land Development Code operated to demonstrate compliance with Outstanding Florida Water Standards as Manatee County Comprehensive Plan for projects within the Evers Reservoir Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Watershed. Specifically, a stormwater management system must be designed and

meet the environmental criteria of the Southeast Area Task Force The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall

- ס development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow. acceptable to the SCS, SWFWMD, USGS and Manatee County that the discharged over the Evers Reservoir dam. If TARA can substantiate with data applicable during periods that water in excess of the City's needs is being aquifer zone on the TARA property. Such augmentation program shall not be augmentir;g surficial stream system from wells which are cased through the surficial development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by Pre-development surface flows shall be maintained throughout each phase of
- Q such as the homeowners association. shall be the responsibility of the developer until such time as the system or portions Construction, maintenance, and remedial improvements of the stormwater system thereof have been turned over for maintenance to another responsible legal entity
- ᅏ All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- Ś Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete wetlands located in Phase III and as delineated on Revised Map H (dated August compliance with the Comprehensive Plan. buffer management plan shall be approved by the Environmental Management planting which will serve to protect the wetlands and enhance the golf course. A 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional The Developer shall establish a minimum fifteen foot wetland buffer around the
- $\exists$ contiguous wetlands must be provided for all wetlands in Phase II. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for
- $\subseteq$ runoff be equal to or less than the pre-development peak rate of runoff for a 25 With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of year/24 hour storm event.

### SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- ⋗ Project Management Department. and pro-rata share shall be determined when required by the Manatee County pay a pro-rata share of construction cost for such facilities. The donation of land the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and In order to ensure adequate potable water supply, sufficient flows and pressure to
- œ overflowing in accordance with the best available technology. in the event widespread power outages occur, wastewater will be controlled from the County shall maintain the system in such a way and with such assurances that distribution system. The sewer collection system shall be constructed by TARA and and construction of the development's sewage collecting system and water The Manatee County Project Management Department must approve the design

### SECTION 5. NOISE ABATEMENT.

₽ earthen terms, decorative walls, and significant landscape buffering should be between the residential units and the noise source. The use of existing vegetation, provided between the residential units and the noise source. lanais, and Florida rooms. Buildings shall be positioned to maximize the distance outdoor activity areas away from the noise source. Living areas include bedrooms areas shall be located and designed in a manner which orients the living areas and performance equivalent measure to achieve the L10 60 to 70 dBA range. Living contour and I-75 or State Road 70 unless such residences are protected by some No residential dwelling units shall be allowed between the L10 70dBA noise level

time of Final Site Plan approval for any sub-phase which is affected by these noise sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as Additionally, residential units constructed within noise level contours in excess of standards

### SECTION 6. SCHOOL SITE.

≯ to credits for the school site conveyed to the Manatee County School Board in the facilities during the term of this development order, the developer shall be entitled If the County adopts any type of impact fee program for construction of school amount of \$170,602.50.

## SECTION 7. ROADWAY IMPROVEMENTS

⋗ up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay County will be responsible for the design, permitting, and construction of the signal outlining the responsibilities of each party for construction of a traffic signal at the Order), it has required another developer to construct said signal and that any The County acknowledges that pursuant to R-93-25 (The Creekwood Development By January 31, 1997, Manatee County and TARA shall enter into an agreement

developer. (COMPLETED) agreement for said signal may include participation on a 50% basis by that

- œ Building permits for Phase III shall not be issued by the County until the Developer completed the following roadway improvements:
- $\Xi$ not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED) internal intersection to the sixth internal intersection. This condition does Upgrading main entrance road to a four-lane divided road from the third
- $\odot$ feet along Braden River Road/Linger Lodge Road to the I-75 overpass Construction of a 5' sidewalk from SR 70 southward approximately 17,000 (COMPLETED)
- $\Omega$ programs adopted by the County. The TARA development shall be subject to any future fair share road improvement

D

transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. utilized in the traffic study shall be approved by the County, TBRPC, FDOT and developer to evaluate cumulative impacts of the project. The methodology to be Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the Development Order TBRPC for review and The results of this study shall be submitted to the County, DCA, FDOT and shall be revised approval. to reflect The transportation conditions adequate mitigation the

pursuant to this paragraph.5. (COMPLETED) additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional square feet of commercial development do not trigger a traffic study For purposes of determining additional p.m. peak hour trips, the traffic study dated

- Ш completed: peak hour trips in excess of 813 trips, the following improvements must be Prior to approval of Final Site Plans for development generating additional p.m.
- $\Xi$ At the intersection of Tara Boulevard and State Road 70:
- a) be a minimum of 225 feet. An exclusive northbound right turn lane. The storage length shall
- **(** included. lanes with four foot gaps to channelize turning traffic) shall be markup to provide turning lane separation (two foot long dashed have a storage length of 135 feet. In addition, guiding pavement A north bound left turn lane. The resulting dual left turn lanes shall
- <u>O</u> An exclusive southbound right turn lane. The queue length shall be 185 feet

- <u>a</u> lanes. The minimum queue length shall be 300 feet for each lane Extend the queue length component of the westbound dual left turn
- $\odot$ cost of construction. intersection at SR 70, located at the east quadrant of the interchange of I-Participate in signalization at the Interstate 75 (I-75) northbound on-ramp 75 and SR 70. Such participation is estimated to be 12.78% of the actual
- 3 construction. Such participation is estimated to be 13.97% Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. of the actual cost of

Management and Traffic Operation Sections. All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access

July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph. For purposes of determining additional p.m. peak hour trips, the traffic study dated

Π. used in evaluating the level of service for the above referenced locations. on an annual basis until project buildout. The following is the methodology to be the findings reported in each Annual Report beginning in Year 2003 and continuing The developer shall initiate a transportation monitoring program in Year 2003 with

converted to peak season using the FDOT peak season conversion factors for than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the version of the Highway Capacity Software to determine the level of service Manatee County. These peak season counts shall then be used with the latest higher of the PM peak hours from the 2 days. This PM peak hour volume shall be For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less

version of the Highway Capacity Software to determine the level of service existing timing and phasing, and geometry shall then be used with the latest converted to peak season using FDOT peak season conversion factors. 15-minute period shall determine the PM peak hour. These counts shall be count shall be performed between 4 and 6 PM and the highest four consecutive For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement

of service standard service-volume, then a new traffic analysis will be prepared by the if the project's impacts to the roadway are greater than or equal to 5 percent of the level project's impact to that roadway is greater or equal to 5 percent of the level of service level of service below the level of service standard established for that location, and if the FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or applicant to identify mitigating measures. Such analysis must be approved by the County, If monitoring identifies a degradation in level of service below the adopted standard, and Construction Plans shall be issued if the transportation monitoring identifies a location with

improvements to restore the level of service standard exists standard service-volume, and if no Funding Commitment (as identified below) for roadway

through an amendment of the Development Order, pursuant to the notice of proposed which, if approved by the parties, shall be incorporated into this Development Order the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the change provisions of Chapter 380, Florida Statutes. completion of the required roadway improvement, pursuant to a Developer Agreement of the Florida Department of Transportation; or 4) a commitment for construction and appropriate County or the current plus two years of the Adopted Five-Year Work Program letter of credit in a form satisfactory to the County for construction to be completed when commitments for the actual construction with the posting of a cash bond, or irrevocable Order, Funding Commitment shall mean any combination of the following: 1) Binding To assure the completion of the transportation improvements required by this Development

### Transportation monitoring locations:

- and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume. Interstate 75 mainline between SR 70 and University Parkway (northbound
- to be 48.2 percent of the overall LOS D standard service volume SR 70 at Tara Boulevard intersection. Tara project impacts are projected

### SECTION 8. GENERAL CONDITIONS

- ⋗ to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development. Every phase of the development shall be required to be self supporting with regard
- $\varpi$ plan, shall be dedicated to Manatee County. (COMPLETED) Prior to 12/31/97, a child oriented recreation site, as indicated on the approved
- $\Omega$ developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to revised Map H (dated August 28, 1998) and Exhibit C of Map H provided that the etc.) number of units, and square footage of proposed uses as set forth on the Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, for the project amended by this Development Order or any Certificates of Level of Service issued cause increased off-site impacts greater than those presented in the ADA as accommodate fluctuating market conditions providing such modifications do not
- Ö or the Director's designee, who shall review the report for compliance with the copies of this report shall be submitted to the Manatee County Planning Director the report for compliance with the terms and conditions of this order. as all terms and conditions of this order are satisfied. Manatee County shall review state land planning agency annually on the 13th day of November, until such time interest shall submit an annual DRI report to Manatee County, the TBRPC and the In accordance with Section 380.06(18), FS, the Developer and any successors in

government. Developer to the temporary suspension of the development order by the local in the rules and regulations promulgated by that agency, pursuant to Section planning agency to be included in the annual report which information is described waiver, or change of any conditions, or any terms of conditions of this Development and review of any such report by the BOCC shall not be considered as a substitute, where such report is to be considered or reviewed; provided, however, that receipt conditions are necessary. The Developer shall be notified of any BOCC hearing 380.06(18), FS Failure to file an annual report as provided herein shall subject the Order. The annual report shall contain the information required by the state land appropriate report to the BOCC should the Director decide that further orders and terms and conditions of this Development Order and who may submit an

In addition to the state land planning agency requirements, the annual report shall

- (1) Current traffic count data for the following locations:
- (a) East of the main entrance on SR 70
- (b) Main entrance road near SR 70
- <u>O</u> Between Braden River Road and the Braden River on SR 70
- (d) East of U.S. 301 relocated on SR 70
- (e) West of U.S. 301 relocated on SR 70
- $\odot$ Traffic Monitoring as described in Section 7.F of this Development Order.
- m of an invoice. the rate of the processing fee for the Development Order under the current fees of County staff and County attorneys, to the extent their assistance is needed shall be liable for the payment of all fees due to said counsel, plus all costs and right to have said outside counsel handle said appeal. In such case, the Developer satisfied with the counsel selected by the Developer, the Developer shall have the outside counsel handle such appeal on behalf of the County, and if the County is days of the submittal of an invoice. In the event the Developer prefers to have Planning fee schedule, and payment shall be paid within forty-five days of submittal by said outside counsel. Payment to County staff and County attorneys shall be at billings by the Developer related to such fees and costs shall be paid within 45 Development Order under the current Planning fee schedules. Payment of all to said appeal or legal challenge at the rate of the processing fee for the and fees of County Staff and attorneys the County is required to expend related In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the TBRPC, the Developer shall pay all costs

## SECTION 9. CONCURRENCY AND PHASING

comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall Any parcel in Phase II for which Preliminary Site Plans are submitted after

amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in not required to comply with the policies of the Comprehensive Plan and the 1990 which this site plan is part of was included as part of a final plat approval which was Land Development Code as amended.

- W which this site plan is part of was included as part of a final plat approval which was which are in effect at that time. Land Development Code as amended. not required to comply with the policies of the Comprehensive Plan and the 1990 amended) and the Land Development Code, (Ordinance 90-01, as amended.) comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall Any parcel in Phase III for which Preliminary Site Plans are submitted after This provision shall not apply if the property in
- $\mathcal{O}$ serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan. phasing build-out schedule is for Section 380.06, FS purposes only and does not the Developer must adhere to the following phasing build-out schedule. In addition to the foregoing preliminary plan submittal project phasing conditions

Phase II: 1995 through 2003

Phase III: 1996 through 2007

described in the phasing build-out schedule. shall be valid until the end of the phase for the development is proposed as Preliminary site plans shall be valid for a period of three (3) years. Final site plans

on July 25, 1996. These subphases include: of subphases which have valid final site plans and construction plans in existence This approval shall not affect the ability of the Developer to complete construction

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

Development Order. site plans for these parcels shall be required to comply with the requirements of this allowed by the existing Land Development Code. If these plans expire, any new The Developer shall be entitled to request extensions of these plans as presently

Ō The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

### SECTION 10. LEGAL DESCRIPTION.

➣ Development of TARA shall be restricted to the 1124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36

SAID SECTION 23; THENCE S 89°23'30"; E, ALONG THE SOUTH LIKE OF SAID SECTION 23; THENCE S 89°23'4"; E, ALONG THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID NORTH ½ OF THE S.E. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE SCTION 23; ASAT AG FT. TO THE S.E. CORNER OF THE S.E. LONG THE SOUTH LINE OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE S 29.29'57" E, ALONG THE S.W. CORNER OF SAID SECTION 24; THENCE NO0°27'05" E, ALONG SAID WESTERLY D.O.T. R.W. OF SAID SECTION 24; THENCE NO0°27'05" E, ALONG SAID WESTERLY D.O.T. R.W. OF SAID SECTION R.W. (7.00" THE NOOR SAID SECTION R.W. (7.00" THE NOOR SAID SECTION WITH THE WESTERLY D.O.T. R.W. (7.00" THE NOOR SAID SECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R.W. OF STATE ROAD NO. 93 (1-5); THENCE NO 13°41'35" W, ALONG SAID LIMITED ACCESS R.W. (7.00" THE NOOR SAID LIMITED ACCESS R.W. AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE, THROUGH A CENTRAL ANGLE OF SAID SAID LIMITED ACCESS R.W. (80B. 24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SCUITHWEST SR.W. AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5635.58 FT.; THENCE NORTHERED CONCAVE TO THE P.C. OF A CURVE, CONCAVE TO THE SCUITHWEST HAVING A RADIUS OF 5631 FT. TO THE D.C. OF A CURVE, CONCAVE TO THE SCUITHWEST HAVING A RADIUS OF 5631 FT. TO THE D.C. OF A CURVE CONCAVE TO THE SCUITHWEST HAVING A RADIUS OF 5631 FT. TO THE SCUITH SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01; 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG NO. 70, FOR A P.O.B.; THENCE CONTINUES 00°09'22"W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. 1/4 OF FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD

SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF CONCAVE TO THE SOUTHWEST. FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT. NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PRC OF A SOUTHWEST, THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE HAVING ≻ RADIUS 읶 17056.74 THENCE

#### TOGETHER WITH:

S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A LINGER LODGE ROAD.

#### ALSO

RECORDED IN O.R. BOOK 1405, PAGES RECORDS OF MANATEE COUNTY, FLORIDA. (VACATED THOSE CERTAIN PARCELS R/ **S** AND PARCEL 4 (REMNANT) OF LAND REFERRED PAGES 659 THROUGH 661, PUBLIC AND TO AS PARCEL DESCRIBED AND

#### LESS

SHOWN ON TARA PHASE I, UNIT 6, "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF THROUGH 85, AFORESAID PUBLIC RECORDS , RECORDED IN PLAT BOOK 28, PAGES 80

#### LESS:

694, AFORESAID PUBLIC RECORDS TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE

#### LESS

COUNTY, FLORIDA. RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED

#### LESS

COUNTY, FLORIDA (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE (VACATED LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 R/W) AND PARCEL (REMNANT) DESCRIBED

#### LESS

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

**CONTAINING 1124.21 ACRES MORE OR LESS** 

#### SECTION 11. GENERAL

- ⋗ Chapter 380 FS. This ordinance shall constitute a development order issued in accordance with
- œ of any defined terms and matters appearing in the development order. Definition and matters contained in Chapter 380, FS, shall control the construction
- $\mathcal{O}$ order: development order to the extent that they are not in conflict with this development The following are hereby incorporated by reference and made a part of this
- documents submitted by TARA. The "Application for Development Approval" together with supporting
- 'n together with supporting documents The application for a Notice of Proposed Change dated February 5,
- ယ together with supporting documents. The application for a Notice of Proposed Change dated March 13,
- 4. Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C
- Ġ The Transportation Analysis dated October 10, 2000
- Ō with respect to grand fathering, vesting, or great-grand fathering issued previously to this project. Developer has not waived any rights with regard to approvals by other agencies The County acknowledges that in the adoption of this Development Order the

## SECTION 12. RESTRICTION ON DOWN ZONING.

➣ the order prior to November 13, 2007 unless the County can demonstrate that: The County may not downzone or reduce the intensity or unit density permitted by

- have occurred; or Substantial changes in the conditions underlying the approval of the order
- N the Developer; or The order was based upon substantially inaccurate information provided by
- ယ health, safety or welfare The changes clearly established by the County to be essential for the public

intensity of the project 380.06(15)(c)(3), FS foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Societies receive a Certificate of Level of Service for any portion of the proposed project. mean any reduction in development rights caused by the developer's failure to to the Developer by this order. The term "down zoning" shall not be construed to changes in zoning regulations which do not decrease development rights granted order, and nothing in this paragraph shall be construed to prohibit legally enacted ordinance for changes in local land development regulations. For the purposes of The inclusion of this section is not to be construed as evidencing any present or or development regulations that decrease the development rights approved by this this order, the term "down zoning" shall refer only to changes in zoning, land use through the usual and customary procedures required by the statute and/or Any down zoning or reduction of intensity or unit density shall be affected only

## SECTION 13. BINDING ORDER UPON DEVELOPER.

➣ interest. This development order shall be binding upon the Developer and its successors in

#### SECTION 14. RENDITION.

Þ Affairs, and the TBRPC County Commissioners to the Developer, the Florida Department of Community within thirty (30) days of the date of signature by the Chairman of the Board of The Planning Department is hereby directed to send certified copies of this order

## SECTION 15. NOTICE OF RECORDING.

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

### SECTION 16. SEVERABILITY.

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

### **SECTION 17. EFFECTIVE DATE**

≯ FS, stays the effectiveness of this development order. State, provided, however, that the filing of a Notice of Appeal to Section 380.07, This development order shall become effective upon filing with the Secretary of

# SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

➣ provided this amendment shall not be construed to terminate the rights of or otherwise modified or amended. Developer, if such rights have been previously granted and not specifically herein 1998 and all subsequent amendments are hereby amended in their entirety, The previous development order for TARA which was adopted on September 22,

### SECTION 19. TERMINATION.

⋗ extended by law This development order shall terminate on November 13, 2007 unless otherwise

ADOPTED with a quorum present and voting, this 28th day of August, 2001.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Chairman

ATTEST: ByB. SHORE

Clerk of the Circuit Court

sa formine

SEAL SHALL SHALL

TABLE I

## SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

Other indoor areas with human acitivies such as schools, etc.	L <sub>eq(24)</sub> 45 dB	annoyance
Indoor residential areas	L <sub>dn</sub> 45 dB	Indoor activity interference and
Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.	L <sub>eq(74)</sub> 55 dB	
Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use	L <sub>dn</sub> 55 dB	Outdoor activity interference and annoyance
All areas	L <sub>eq(24)</sub> 70 dB	Hearing Loss
AREA	LEVEL'	EFFECT
		**************************************

 $L_{eq(24)}$  represents the sound energy averaged over a 24-hour period while  $L_{dn}$ represents Leq with a 10 dB nighttime weighting.

#### EXHIBIT B

#### **DIMENSIONAL CHART**

	Uses .	Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family	detached	35	45-79	5,000	20/15 <sup>(a)</sup>	6	15
Single family	detached	35	80 or greater	9,000	25/20 <sup>(a)</sup>	8	15
Zero lot line (	SF detached)	35	45	5,000	20/15(*)	0/10 <sup>(b)</sup>	15
Single family	attached	35	25/35 <sup>(c)</sup>	2,500/3,500 <sup>(c)</sup>	20/15(*)	0/10(6)	15
Single family	semi-detached	35	35	4,000	20/15(*)	7.5	15
Duplex		35	70	8,000	20/15 <sup>(a)</sup>	8	15
Multi-family		3 stories/35			25	10 <sup>(d)</sup>	15 <sup>(d)</sup>
Commercial/o	ffice/hotel	3 stories/35	70	7,500	30 <sup>(e)</sup>	15 <sup>(c)</sup>	20 <sup>(c)</sup>
Park, recreation	on center	35	70	7,500	25	15	15
Parcel II-D	Multi-family	2 stories/35			30	10/35(1)	15
	Single family	35	60	7,000	25	7.5	15
Parcel II-E		35	60	7,000	25	7.5	15

- (a) Front setbacks for units with side entry garages.
- (b) Applies to one side.
- (c) Minimum width and size for corner or end units.
- (d) Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.
- (e) Buildings shall be set back a minimum of 50' from any residential lot.
- (f) Multi-family dwellings shall be set back 35' from any single family lot.

NOTE: The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses.

#### EXELBIT C

#### TARA COMMERCIAL USES

7/31/96

P	P	Bank/Drive-Through
P	יטי	Bank
		Banking:
		COMMERCIAL USES - SERVICES
ש	קי	Service Station
ď	×	General Retail Sales Uses
שי	×	MH/RV Sales. Rental. Leasing
ק	קי	Gas Pumps
<b>טי</b>	×	Farm Equipment and Supply Establishment
שי	טי	Eating Establishment
יטי	יט	Drive-Thru Eating Establishment
שי	קי	Retail Sales. Neighborhood General
קי	קי	Retail Sales. Neighborhood Convenience
P	×	Building Materials Establishment
×	×	Auction Houses, Auto
×	×	Auction Houses, Enclosed
×	×	Auction Houses, Open
		COMMERCIAL USES - RETAIL
ď	×	Veterinary Hospitals
×	×	Public
		Stables or Equestrian Centers:
P	×	Short Term Agricultural Uses
×	×	Kenneis
×	P	Farming Service Establishments
×	×	Breeding Facility (non-wild, non-exotic)
×	סי	Agriculture
×	×	Agricultural Research Facilities
		AGRICULTURAL USES
REMAINING COMMERCIAL	PARCEL III-W	USES
06/15//		

P	Р	Repair Service Establishment
ď	X	Rental Service Establishment
P	P	Personal Service Establishment
קי	×	Lawn Care/Landscaping
פי	Ą	Funeral Home
P	P	Funeral Chapel
ק	×	Food Catering
שי	P	Dry Cleaners, Pick-Up
שי	×	Dry Cleaners, General
ישי	פי	Dry Cleaners, Neighborhood
P	×	Construction Service Establishment
P	×	Car Wash, Full Service
P	٩	Car Wash, Incidental
קי	×	Car Wash, Self Serve
טי	q	Office
		Miscellaneous Services:
ď	×	RV Park
P	×	Hotels
×	<b>'</b> 'U	Hospital Guest House
×	קי	Boarding House
ď	קי	Bed and Breakfast
		Lodging Places:
P	×	Industrial Service Establishment
P	P	Nursing Home
P	×	Medical and Dental Laboratory
P	שי	Veterinary Clinic
P	ק	Clinic
P	P	Professional Office
		Health Services:
P·	P	Business Services
REMAINING COMMERCIAL	PARCEL III-W	USES

Page 2 of 5 8/21/96

		Cemetery:
		OPEN USES OF LAND - LIGHT
קי	×	Towing Service and Storage Establishment
P	טי	Parking, Commercial
ď	×	Outdoor Advertising Signs
P	×	Open
P	×	Enclosed
		Flea Markets:
		MISCELLANEOUS USES
P	קי	Utility Use
×	×	Resource Recovery Facilities
×	SP	Residential Treatment Facilities
יסי	SP	Radio, TV, Communications, Microwave Facilities
P	P	Public Use Facilities
ď	ק	Public Community Use
×	ď	Private Community Uses
×	P	Post Offices
×	×	Outpatient Treatment Facility
×	P	Emergency Shelter Home
×	קי	Emergency Shelters
×	קי	Cultural Facilities
		COMMUNITY SERVICE USES
٩	×	Wholesale Trade Establishment
P	×	Taxi-Cab, Limousine Service
ď	×	Sign Painting Service
×	×	Major
שי	×	Community Serving
ď	ק	Neighborhood Serving
		Motor Vehicle Repair:
REMAINING COMMERCIAL	PARCEL III-W	USES

Page 3 of 5 8/21/96

USES	PARCEL III-W	REMAINING COMMERCIAL
Human	Ą	X
Pet	ď	X
Game Preserve	×	X
Land Reserves. Public or Private	P	X
Tree Farm	ק	X
Minor Earthmoving	קי	Ą
RECREATION USES		
Low Intensity Recreational Uses	P	P
High Intensity Recreational Uses	×	~ <b>P</b>
Medium Intensity Recreational Uses	×	ק
Passive Recreational Use	P	קי
RESIDENTIAL USES		
Family Care Homes	P	×
Group Care Home, Large	P	סי
Group Care Home. Small	٩	קי
Group Housing	ď	×
Residential Care Facility, Large	ק	þ
Residential Care Facility, Small	קי	ď
Recovery Home, Large	ק	קי
Recovery Home, Small	ď	P
Single Family Detached Dwellings	P+	×
Duplex Dwellings	P+	×
RESIDENTIAL SUPPORT USES		
Churches or Other Place of Worship	קי	P
Day Care Center, Large	סי	ď
Day Care Center, Medium	קי	ַם
Day Care Center, Small	P	×
Day Care Facilities (Accessory)	קי	P
Schools, Elementary	P	×
Schools, High School	q	×

Page 4 of 5 8/21/96

USES	PARCEL III-W	REMAINING COMMERCIAL
Schools, Middle	ק	×
Schools of Special Education	P	ď
TRANSPORTATION FACILITIES		
Bus RR Passenger Station	P	×
Неіроп	×	P
Helistop	קי	X
WAREHOUSING		
Warehouse-Mini	P	ים

AP =Administrative Permit.
Special Permit.
Permitted.

SP =

AP/SP = P\* = Administrative Permit or Special Permit required as specified in Section 704 or elsewhere in the Code. With limitations, as specified in Section 704, Conditional Use Criteria, or elsewhere in the Code. Uses not allowed.

Allowed with specific criteria per Table 6-1 in the Code.

80       69       23       16       16       20       76       46       97       120       120       120       128       38       39       128       39       128	187 47 120 208 19 128 188 188 36 227 227 39 97	III-G III-G III-G III-A
	187 47 120 120 208 19 128 128 136 36 37 39	III-G III-G III-H
	187 47 47 120 208 19 128 128 227 36 36 39	III-G III-G III-H
	187 47 120 208 19 128 188 188 36 227 38	III-N III-H III-H III-H III-H III-H III-H
	187 47 120 208 19 128 188 36	III-M III-H III-H III-G
	187 47 120 208 19 128 188	III-G III-H III-G III-H
	187 47 120 208 19 128	III-K III-J III-H III-H
	187 47 120 208 19	III-G III-H III-I
	187 47 120 208 19	III-G
	187 47 120 208	III-H
	187 47 120	III-G
	187	III-G
	187	
		III-F
	97	III-D
	46	III-C
	76	III-B
80 69 23 27 16	20	А-Ш
80 69 23 27	16	II-J
69	27	II-F
69	23	II-E
80	69	ת-וו
_	80	п-с
49	49	II-B
35	35	II-A
719	719 71	Phase I
II III ED* 2/95*-10/97* 9/96*-10/02*	NUMBER I COMPLETED*	PARCEL
PHASES		
		RESIDENTIAL

18 Holes, Clubhouse, Maintenance			Golf Course	III-E
				OTHER
258,899-262,899	13,700-17,700	84,901	361,500	
0-3,000			0-3,000**	ш-w
0-7,000		· ·	0-7,000***	ш-у
100,000			100,000	ш-п
0-8,000			0-8,000	ш-т
0-18,800***			0-18,800**	III-S
122,099-162,899			122,099-162,899**	III-R
	3,600		3,600	11-1
	0-4,000**		0-4,000**	П-Н
	10,100		10,100	II-G
		84,901	84,901	Phase I
Ш 9/96*-10/02*	П 2/95*-10/97*	I COMPLETED*	SQUARE FEET	PARCEL
	PHASES			
				COMMERCIAL

- referenced phase. Dates referenced above are required dates for submittal of a preliminary plan for the
- on those parcels. Developer reserves the right to transfer all or part of the building square footage from Parcels II-H,III-S, III-T, III-V and III-W to III-R if the square footage is deemed unnecessary Attachment B. Any transferred square footage may be used as commercial as noted in

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

SEAL

Mitness my hand and official seal this 

R.B. SHORE

Clerk of Circuit Court

brout to o.c.

MULTURA



## MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

October 20, 1998

CERTIFIED MAIL P 368 650 122

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FI 33702

Re: Development Order for the Tara DRI

Dear Mr. Butts:

development order for Tara, as adopted in open session by the Manatee by Rule 9J-2.025(5), Florida Administrative Code County Board of County Commissioners on September 22, 1998, as required Enclosed is a certified copy of Ordinance 98-34, with all attachments, the

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

Sincerely,

Robert H. Pederson

Community Planning Administrator

RHP/jy Enclosure

#### ORDINANCE 98-34

CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING AMENDED; FINDING THAT THE PROPOSED CHANGES DO REPLACES AND SUPERSEDES ORDINANCE 97-25, DRI #11, AS COMMISSIONERS ORDINANCE OF A DEVELOPMENT ORDER PURSUANT TO 유 MANATEE COUNTY, BOARD

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County an #11); and Application for a Notice of Proposed Change (NOPC) for a Development of Regional Impact (DRI

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider whether or not the NOPC constitutes a Substantial Deviation pursuant to Section 380.06 (19), Florida Statutes; and WHEREAS, the Board of County Commissioners as the governing body of the local

and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code

proceedings were held before the Planning Commission on September 10, 1998 and before the Board of County Commissioners of Manatee County, Florida on September 22, 1998; and WHEREAS, upon publication and furnishing of due notice, public hearings in these

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this 22<sup>rd</sup> day of September, 1998, as follows:

### **SECTION 1. FINDINGS OF FACT:**

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section and proof of such publication has been duly filed in these proceedings 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code
- and is described in Section 10. The real property involved in this development is located in Manatee County, Florida
- 9 accordance with this Development Order. Construction of this project was previously begun and is currently developing in
- Ō Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
- (1) is not located in an area of critical state concern, and
- $\mathfrak{D}$ state land development plan applicable to the area; does not interfere with the achievement of the objectives of any adopted
- ω is consistent with local land development regulations; and
- **£** adequately addresses the concerns of regional impact stated in the report in these proceedings, and is consistent with that report. and recommendations of the Tampa Bay Regional Planning Council on file

## SECTION 2. CONCLUSIONS OF LAW:

- $\mathfrak{D}$ The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that
- <u>B</u> a substantial deviation. TARA has rebutted the presumption that the changes proposed in the NOPC are
- <u>0</u> Comprehensive Plan contained in this order are references to those particular This application was reviewed against the Comprehensive Plan in effect as of the application, and references to specific section numbers of the
- <u>0</u> therefore, the Board hereby approves and grants TARA's request to change the set forth, TARA is entitled to the relief prayed and applied for in said NOPC and, in the NOPC and, subject to the conditions, restrictions, and limitations hereinafter and limitations restricting development: TARA has sustained and proved all the material allegations and assertions made TARA DRI #11, for the following development subject to the following conditions

LAND USE	
Total No. of Units	
Total Sq. Footage	
Acreage	

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o I.oo acres	N. A.	N.	Nigitis-01-yvay
31 00000	25		Diabte of May
25.28 acres	N/A	N/A	FP&L Easement
area)			
wetlands and			
(includes			
207.47 acres	N/A	N/A	Open Space
		2 Maintenance Centers	
363.51 acres	N/A	36 Holes, 2 Clubhouses and	Golf Courses
only)			
66.16 acres	361,500*	N/A	Commercial, Office
(including platted R/Ws)			units
413.56 acres	N/A	2,719	Residential dwelling

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

\*One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

### SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- ➣ activities proposed to be carried out on the site by the applicant. applicable laws and regulations are applicable to the TARA site and the specific which water quality standards as defined in Chapter 62-302 F.A.C. and other (F.A.C..) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining Water quality standards defined in Chapter 62-302, Florida Administrative Code
- $\varpi$ At such time as the County may adopt water quality standards under a local activities pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting
- O during the construction phases of the project shall be subject to EMD approval. Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental determined by FDEP and Manatee County provided that all required station Monitoring station location, sampling frequency, and reporting schedules shall be
- O subject to the administrative appeals process of the Land Development Code is corrected to the satisfaction of the Environmental Management Department, cease immediately. Such order shall remain in full force and effect until the activity appropriate regulatory authority shall issue a written Notice of Violation and Stop quality criteria have been exceeded by activity occurring on the TARA site, the In the event that monitoring data affirmatively reflects that the prescribed water Notwithstanding any other provision in this paragraph, if the Stop Work Order Work Order specifying the nature of the violation, and directing that such activity

the Stop Work Order. developer shall not be entitled to a stay during administrative or judicial review of Management Director, the violation constitutes a peril to life or property, the includes a finding that, in the opinion of the Manatee County Environmental

- m construction for each phase construction phases of the project and for five (5) years after the completion of water quality monitoring program shall be continued throughout the
- П management plan dated March, 1984, which was approved for the TARA project. All retention lakes shall be constructed in accordance with the lake systems
- G access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle allowed below the ten (10) foot contour line except that required for proposed structures shall comply with applicable Federal Flood Zone requirements the wetland system. This requirement is subject to FDEP approval. All habitable Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into swales shall convey the runoff from the lots to the wetlands system adjacent to placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be discharge of stormwater runoff below the ten (10) foot contour line to the Evers to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct preserved shall be either the fifty (50) feet adjacent to the wetlands in question or below the ten (10) foot contour and adjacent to the wetlands. The portion to be addition, TARA shall preserve by establishing lot boundaries, a portion of the land are located within the rights of way of the existing or proposed access roads. and nature paths, and existing county roads provided that such utility easements No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be
- ĭ conditions, limitations and restrictions imposed in applicable permits TARA shall install and maintain the water quality control system to comply with all
- Construction of the proposed drainage system shall be certified by the engineer(s)
- ج maintenance and operation program approved by Manatee County for the project. drainage/retention system shall be maintained in accordance with the
- ᄌ City of Bradenton notice of all pending FDEP permit applications The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the
- L water quality of the Evers Reservoir shall not be significantly degraded as a result the Evers Reservoir from the TARA site shall not be significantly altered and the of the discharge of drainage water from TARA. The TARA drainage system shall be designed to insure that the quantity of flow to
- ≤ construction and site activity shall be required. TARA shall prepare and furnish to Erosion and sedimentation controls necessary to protect water quality during

Manatee County for approval prior to construction plan approval of each phase plan for control of such potential pollution. a

- z compliance with all applicable rules and regulations during and after construction. An inspection program may be instituted by either FDEP or the County to insure
- 0 III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. demonstrate compliance with Outstanding Florida Water Standards as established Specifically, a stormwater management system must be designed and operated to in Section 717 of the Manatee County Land Development Code. Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-Y,

The stormwater management system for parcels III-X, III-T, III-Y meet the environmental criteria of the Southeast Area Task Force III-Y, and II-C shall

- ס applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data such increase may be credited to any deficit which may occur in surface flow. development has caused an increase in groundwater flow to the Evers Reservoir, acceptable to the SCS, aquifer zone on the TARA property. Such augmentation program shall not be augmenting surficial stream system from wells which are cased through the surficial activities conducted by TARA, TARA shall be required to offset such deficits by development. Where a deficit in surface flows is determined to be the result of Pre-development surface flows shall be maintained throughout each phase SWFWMD, USGS and Manatee County that the
- Q thereof have been turned over for maintenance to another responsible legal entity shall be the responsibility of the developer until such time as the system or portions Construction, maintenance, and remedial improvements of the stormwater system such as the homeowners association.
- Ŋ All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as provided around these areas in accordance with the Comprehensive Plan preservation areas and shall not be impacted. Additionally, wetland buffers shall be
- ഗ wetlands located in Phase III and as delineated on Revised Map H (dated August buffer management plan shall be approved by the Environmental Management Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete planting which will serve to protect the wetlands and enhance the golf course. A 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the compliance with the Comprehensive Plan. Developer shall be authorized to install and maintain appropriate transitional The Developer shall establish a minimum fifteen foot wetland buffer around the
- $\exists$ Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.

 $\subseteq$ With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of year/24 hour storm event. runoff be equal to or less than the pre-development peak rate of runoff for a 25

### SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- Þ equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County the development during peak demand periods, an elevated water tank or other Public Works Department. In order to ensure adequate potable water supply, sufficient flows and pressure to
- Œ widespread power outages occur, wastewater will be controlled from overflowing in shall maintain the system in such a way and with such assurances that in the event system. The sewer collection system shall be constructed by TARA and the County construction of the development's sewage collecting system and water distribution accordance with the best available technology. The Manatee County Public Works Department must approve the design and

### SECTION 5. NOISE ABATEMENT.

➣ provided between the residential units and the noise source. lanais, and Florida rooms. Buildings shall be positioned to maximize the distance performance equivalent measure to achieve the L10 60 to 70 dBA range. Living contour and I-75 or State Road 70 unless such residences are protected by some No residential dwelling units shall be allowed between the L10 70dBA noise level earthen terms, decorative walls, and significant landscape buffering should be between the residential units and the noise source. The use of existing vegetation, outdoor activity areas away from the noise source. Living areas include bedrooms, areas shall be located and designed in a manner which orients the living areas and

applicant shall demonstrate compliance with these standards at the time of Final to protect public health and welfare (see Table I attached hereto as Exhibit A). The L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient Site Plan approval for any sub-phase which is affected by these noise standards Additionally, residential units constructed within noise level contours in excess of the

### SECTION 6. SCHOOL SITE.

⋗ to credits for the school site conveyed to the Manatee County School Board in the facilities during the term of this development order, the developer shall be entitled amount of \$170,602.50. If the County adopts any type of impact fee program for construction of school

### SECTION 7. ROADWAY IMPROVEMENTS

outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up By January 31, 1997, Manatee County and TARA shall enter into an agreement

developer. (COMPLETED) agreement for said signal may include participation on a 50% basis by that Order), it has required another developer to construct said signal and that any County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee

- $\Box$ has completed the following roadway improvements: Building permits for Phase III shall not be issued by the County until the Developer
- $\Xi$ internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. Upgrading main entrance road to a four-lane divided road from the third
- 2 Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass.
- 9 programs adopted by the County. The TARA development shall be subject to any future fair share road improvement
- Ö the TBRPC for review and approval. utilized in the traffic study shall be approved by the County, TBRPC, FDOT and FCA. The results of this study shall be submitted to the County, FCA, FDOT and developer to evaluate cumulative impacts of the project. The methodology to be peak hour trips in excess of 1084 trips, a transportation study shall be made by the Prior to approval of Final Site Plans for development generating additional p.m. Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, The transportation conditions in the

additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 utilized. It has been determined that the development of the combination of 298 additional square feet of commercial development do not trigger a traffic study For purposes of determining additional p.m. peak hour trips, the traffic study dated pursuant to this paragraph.5. 1996, which referenced the fifth generation of the ITE manual will be

- Ш Prior to approval of Final Site Plans for development generating additional p.m. completed: peak hour trips in excess of 813 trips, the following improvements must be
- $\exists$ At the intersection of Tara Boulevard and State Road 70:
- (a) a minimum of 225 feet. An exclusive northbound right turn lane. The storage length shall be
- ਭ have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed A north bound left turn lane. included. lanes with four foot gaps to channelize turning traffic) shall be The resulting dual left turn lanes shall

- <u>O</u> 185 feet. An exclusive southbound right turn lane. The queue length shall be
- <u>a</u> lanes. The minimum queue length shall be 300 feet for each lane Extend the queue length component of the westbound dual left turn
- $\mathfrak{D}$ intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. Participate in signalization at the Interstate 75 (I-75) northbound on-ramp
- ω participation is estimated to be 13.97% of the actual cost of construction. located at the west quadrant of the interchange of I-75 and SR 70. Such Participate in signalizing the I-75 southbound off-ramp intersection at SR 70,

Management and Traffic Operation Sections All improvements Transportation. Additional requirements may be requested by FOOT's Access are subject to approval of the Florida Department of

square feet of commercial space do not trigger the improvements pursuant to this dwelling units, utilized. It has been determined that the combination of 224 additional single-family For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be paragraph. 527 additional multi-family dwelling units, and 103,725 additional

### SECTION 8. GENERAL CONDITIONS

- ⋗ Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- W shall be dedicated to Manatee County. (COMPLETED) Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan,
- S etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated August 28, 1998)and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued accommodate fluctuating market conditions providing such modifications do not
- O land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the interest shall submit an annual DRI report to Manatee County, TBRPC and the state In accordance with Section 380.06(18), FS, the Developer and any successors in report for compliance with the terms and conditions of this order. Three (3) copies

such report by the BOCC shall not be considered as a substitute, waiver, or change conditions of this Development Order and who may submit an appropriate report to rules and regulations promulgated by that agency, pursuant to Section 380.06(18), agency to be included in the annual report which information is described in the annual report shall contain the information required by the state land planning of any conditions, or any terms of conditions of this Development Order. is to be considered or reviewed; provided, however, that receipt and review of any necessary. The Developer shall be notified of any BOCC hearing where such report the BOCC should the Director decide that further orders and conditions are Director's designee, who shall review the report for compliance with the terms and of this report shall be submitted to the Manatee County Planning Director or the to the temporary suspension of the development order by the local government. FS Failure to file an annual report as provided herein shall subject the Developer

include: In addition to the state land planning agency requirements, the annual report shall

- (1) Current traffic count data for the following locations:
- (a) East of the main entrance on SR 70
- (b) Main entrance road near SR 70
- <u>ල</u> Between Braden River Road and the Braden River on SR 70
- (d) East of U.S. 301 relocated on SR 70
- (e) West of U.S. 301 relocated on SR 70

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counsel. Payment to County staff and County attorneys shall be at the rate of the the payment of all fees due to said counsel, plus all costs and fees of County staff counsel selected by the Developer, the Developer shall have the right to have said appeal or legal challenge at the rate of the processing fee for the Development fees of County Staff and attorneys the County is required to expend related to said In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and and County attorneys, to the extent their assistance is needed by said outside outside counsel handle said appeal. In such case, the Developer shall be liable for handle such appeal of behalf of the County, and if the County is satisfied with the submittal of an invoice. In the event the Developer prefers to have outside counse Developer related to such fees and costs shall be paid within 45 days of the Order under the current Planning fee schedules. Payment of all billings by the and payment shall be paid within forty-five days of submittal of an invoice processing fee for the Development Order under the current Planning fee schedule

## SECTION 9. CONCURRENCY AND PHASING

⋗ amended) and the Land Development Code, (Ordinance 90-01, as amended.) comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall Any parcel in Phase II for which Preliminary Site Plans are submitted after

which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not Development Code as amended required to comply with the policies of the Comprehensive Plan and the 1990 Land

- $\omega$ comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which Development Code as amended. required to comply with the policies of the Comprehensive Plan and the 1990 Land this site plan is part of was included as part of a final plat approval which was not November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall Any parcel in Phase III for which Preliminary Site Plans are submitted after
- $\circ$ project phasing conditions or compliance with a Comprehensive Plan serve to extend the dates of preliminary or final plan submittal as referenced in the phasing build-out schedule is for Section 380.06, FS purposes only and does not In addition to the foregoing preliminary plan submittal project phasing conditions, Developer must adhere to the following phasing build-out schedule.

Phase II: 1995 through 2003

Phase III: 1996 through 2007

described in the phasing build-out schedule. shall be valid until the end of the phase for the development is proposed as Preliminary site plans shall be valid for a period of three (3) years. Final site plans

on July 25, 1996. These subphases include: of subphases which have valid final site plans and construction plans in existence This approval shall not affect the ability of the Developer to complete construction

- (1) Phase I-B renamed as Phase II-A on revised Map H
- (2) Phase I-N renamed as Phase III-T on revised Map H
- (3) Phase I-J renamed as Phase II-J on revised Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site Development Order. plans for these parcels shall be required to comply with the requirements of this

Ō The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

### SECTION 10. LEGAL DESCRIPTION.

⋗ Development of TARA shall be restricted to the 1124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36

SECTION LINE, 48651 IT FLO THE SOUTHERLY RIW OF STATE ROAD NO.70, FOR AP O.B.; THENCE CONTINUES 00°0922" W. ALONG SAID WEST SECTION LINE, 48651 IT FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SAID SECTION 23, 252-53 FT. TO THE S.W., CORNER OF THE S.W. CORNER OF THE S.W. CORNER OF SAID SECTION 23, 252-53 FT. TO THE S.W. CORNER OF THE NORTH 16, OF THE S.W. THENCE S. 00°21'47" W. ALONG THE WEST LINE OF THE NORTH 16, OF THE S.E. THENCE S. 00°21'47" W. ALONG THE WEST LINE OF THE NORTH 16, OF THE S.E. THENCE S. 00°21'47" W. ALONG THE WEST LINE OF THE NORTH 16, OF THE S.E. THENCE S. 00°21'47" W. ALONG THE WEST LINE OF THE NORTH 16, OF THE S.E. THENCE S. 00°21'53" W. ALONG THE SECTION 23, ALSO BEING THE WEST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SAID SECTION 24, THENCE S. 00°22'55" E. ALONG THE SOUTH LINE OF SAID SECTION 24, DATA THENCE S. 00°22'55" E. ALONG THE SOUTH LINE OF SAID SECTION 24, DATA THENCE S. 00°22'55" E. ALONG SAID SECTION 24, THENCE S. 00°22'55" E. ALONG SAID SECTION 24, THENCE S. 00°22'55" E. ALONG SAID SECTION 24, DO.T. RWO, DO THE S.E. CORNER OF SAID SECTION 24, DO.T. RWO, DO THE S.E. CORNER OF SAID SECTION 25, ALONG SAID SECTION SAID SECTI THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE

OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, 150.31 FT. TO THE P.O.B., 150.3 70°20'03" W, ALONG SAID RW, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT. THENCE NORTHWESTERLY, ALONG SAID RW, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE PROCURVE, THROUGH A CENT TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

#### TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY,

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A LINGER LODGE ROAD

#### ALSO

R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED

#### LESS

"TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS. RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF

#### **LESS**

694, AFORESAID PUBLIC RECORDS TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE

#### LESS

COUNTY, FLORIDA. RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE

LESS

(VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA LANDS CONVEYED TO "RENAL, INC." AND REFERRED 0 AS

LESS

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

### SECTION 11. GENERAL.

- ➣ Chapter 380 FS This ordinance shall constitute a development order issued in accordance with
- $\omega$ of any defined terms and matters appearing in the development order Definition and matters contained in Chapter 380, FS, shall control the construction
- 0 order: development order to the extent that they are not in conflict with this development The following are hereby incorporated by reference and made a part of this
- -documents submitted by TARA. The "Application for Development Approval" together with supporting
- N together with supporting documents The application for a Notice of Proposed Change dated February 5, 1996
- 0 together with supporting documents. The application for a Notice of Proposed Change dated March 13, 1998
- 4: Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C
- O respect to grand fathering, vesting, or great-grand fathering issued previously to this Developer has not waived any rights with regard to approvals by other agencies with The County acknowledges that in the adoption of this Development Order the

# **SECTION 12. RESTRICTION ON DOWN ZONING**

⋗ The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that: order prior to November 13,

- \_ Substantial changes in the conditions underlying the approval of the order have occurred; or
- 2 the Developer; or The order was based upon substantially inaccurate information provided by
- ယ health, safety or welfare The changes clearly established by the County to be essential for the public

intensity of the project but is 380.06(15)(c)(3), FS inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to order, and nothing in this paragraph shall be construed to prohibit legally enacted development regulations that decrease the development rights approved by this through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of receive a Certificate of Level of Service for any portion of the proposed project. The mean any reduction in development rights caused by the developer's failure to this order, the term "down zoning" shall refer only to changes in zoning, land use or Any down zoning or reduction of intensity or unit density shall be affected only included herein to comply with

# SECTION 13. BINDING ORDER UPON DEVELOPER.

⋗ This development order shall be binding upon the Developer and its successors in

### SECTION 14. RENDITION.

➣ within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community The Planning Department is hereby directed to send certified copies of this order Affairs, and TBRPC.

### SECTION 15. NOTICE OF RECORDING

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

### SECTION 16. SEVERABILITY.

⋗ 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, deemed null and void but all remaining provisions and portions of this development unconstitutional, or unenforceable, then such provisions or portions shall be order shall remain in full force and effect. It is the intent of this development order to comply with the requirements of all

### SECTION 17. EFFECTIVE DATE

FS, stays the effectiveness of this development order. State, provided, however, that the filing of a Notice of Appeal to Chapter 380.07, This development order shall become effective upon filing with the Secretary of

# SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

➣ rights have been previously granted and not specifically herein or otherwise amendment shall not be construed to terminate the rights of Developer, if such and all subsequent amendments are hereby amended in their entirety, provided this modified or amended. The previous development order for TARA which was adopted on January 28, 1997

### SECTION 19. TERMINATION.

➣ extended by law. This development order shall terminate on November 13, 2007 unless otherwise

ADOPTED with a quorum present and voting, this 22nd day of September, 1998

OF MANATEE COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

Chairman

R.B. SHORE

Clerk of the Circuit Court

TABLE I

ì

4 1 1

# SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

annoyance Leq(24) 45 dB Other i	trity Ldn 45 dB	L <sub>eq(74)</sub> 55 dB Outdoo spend 1 such as playgro	Outdoor activity interference and annovance  the state of	Hearing Loss Leq(24) 70 dB All are	EFFECT LEVEL!
Other indoor areas with human activies such as schools. etc.	Indoor residential areas	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use	All areas	AREA

Leg(24) represents the sound energy averaged over a 24-hour period while Len represents Leq with a 10 dB nighttime weighting.



### VELEB DEVELOPMENT PLAN HAMPHANGENISED MAD HAMPHANGE

101

PLANNING

8661 8 S 9UA

DEPARTMENT

SECTION 13, 14, 23 & 24, TWP. 35 S. RGE. 18 E., AIRONIN, FLORIDA

DDK/bDC-80-03(S)(C)(KS)



LOMBARDO & SKIPPER, INC.

Consulting Engineers, Surveyors & Planners

P.O. Box 188 • 825-4th Street West • Palmetto, Florida 34221 • (813) 722-4561 - 748-0600

EMOVE III-Y)

#### TABLE I

# SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

Outdoor activity	L <sub>da</sub> 55 dB	Outdoors in residential areas and
interference and annoyance	£	farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	L <sub>eq(74)</sub> 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and	L <sub>dn</sub> 45 dB	Indoor residential areas
annoyance	<sup>L</sup> ед(24) <sup>45</sup> dB	Other indoor areas with human activies such as schools. etc.

Leq(24) represents the sound energy averaged over a 24-hour period while Ldn represents Leq with a 10 dB nighttime weighting.

1,701	299	719	2 719	TOTAL
128			128	III-X
97			97	III-Q
39			39	III-P
38			38	III-O
227			227	III-N
36			36	III-M
188			188	III-L
128			128	III-K
19			19	III-J
208			208	III-I
120			120	III-H
47			47	III-G
187			187	III-F
97			97	III-D
46			46	ш-с
76			76	III-B
20			20	III-A
	16		16	II-J
	27		27	II-F
	23		23	II-E
	69		69	II-D
	80		80	II-C
	49		49	II-B
	35		35	II-A
		719	719	Phase I
III 9/96*-10/02*	II 2/95*-10/97*	I COMPLETED*	NUMBER UNITS	PARCEL
	PHASES			
				RESIDENTIAL

Maintenance				
18 Holes, Clubhouse,		<del>1844 28</del>	Golf Course	III-E
				OTHER
258,899-262,899**	13,700-17,700	84,901	361,500**	
0-18,800**			0-18,800**	III-Y
0-3,000**			0-3,000**	III-W
0-11,000			0-11,000	III-V
100,000			100,000	III-U
0-8,000			0-8,000**	III-T
118,099-162,899**			118,099-162,899**	III-R
	3,600		3,600	II-II
	0-4,000**		0-4,000	II-H
	10,100		10,100	II-G
		84,901	84,901	Phase I
III 9/96*-10/02*	II 2/95*-10/97*	I COMPLETED*	SQUARE FEET	PARCEL
	PHASES			
				COMMERCIAL

Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

#

\* be used as commercial as noted in Attachment B. case can the overall development exceed 361,500 square feet. Any transferred square footage may be transferred to Parcel III-V if the square footage is deemed unnecessary on that parcel, but in no part of the building square footage from Parcel III-Y may be transferred to Parcel III-R or part may III-T, III-V and III-W to III-R if the square footage is deemed unnecessary on those parcels. All or Developer reserves the right to transfer all or part of the building square footage from Parcels II-H,

Inopeliarnex-c.

PDR/PDC-96-03(Z)(G)(R2)
STATE OF FLORIDA, COUNTY OF MANATEE This is to certify that the for going is a true and

correct cope of the disculants on file in my office! and card official seal this 10 Gay of

01/29/98



### MANATEE COUNTY

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT GOVERNMENT

January 29, 1997

**CERTIFIED MAIL** Z 747 175 297

9455 Koger Boulevard Mr. Tim Butts St. Petersburg, FL 33702-2491 Tampa Bay Regional Planning Council

FLWAC Appeal No. APP-96-017 Ordinance 97-25 - Tara-Manatee, Inc. DRI #11

Dear Mr. Butts:

Manatee County Board of County Commissioners on January 28, 1997. copy of Ordinance 97-25, amending, replacing and superseding Ordinance 96-31, the development order for Tara-Manatee, Inc. DRI #11, as adopted in open session by the Manatee, Inc., Manatee County, and the Department of Community Affairs as settlement to the appeal filed by DCA pursuant to Section 380.07, Florida Statutes, enclosed is a certified Pursuant to the Settlement Agreement for Case No. APP-96-017, entered into between Tara-

If you have any questions, please contact me at (941) 749-3070, extension 6825.

Sincerely,

CBC/jy

Director

Carol B. Clarke, AICP

**Enclosure** 

#### STATE OF FLORIDA

#### COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in County of Manatee, State of Florida, do hereby the foregoing is a true copy of a RESOLUTION a Board of County Commissioners of said County in the llth day of March Shore, carriers, State adopted by in session of the session in r the on the

SUBJECT: APPLICATION FOR DEVELOPMENT APPROVAL OF A DEVELOPMENT OF REGIONAL IMPACT BY TARA, LTD. - DRI #11

RESOLUTION AMENDING ORDER RESOLUTION GRANTING A DEVELOPMENT

WITNESS March VΜ Hand and Official 1982 in in Seal Bradenton, this 12th Florida. day

R. B. 5.
Manatee Ħ Shore, Cle Clerk of Circuit y, Florida Court

Page 2 - Ordinance 97-25 - Tara DRI #11

BE IT FURTHER ORDAINED, by the Board, as conclusions of law that

- (a) the proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that
- <u>6</u> substantial deviation. TARA has rebutted the presumption that the changes proposed in the NOPC are a
- <u>0</u> TARA has sustained and proved all the material allegations and assertions made in the NOPC and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said NOPC and, therefore, the Board hereby approves and grants TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	65.96 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.67 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes,Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

<sup>\*</sup>One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

# WATER QUALITY, QUANTITY, AND ENVIRONMENT

- Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and carried out on the site by the applicant regulations are applicable to the TARA site and the specific activities proposed to
- 2 At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- ω determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is construction phases of the project shall be subject to EMD approval provided to FDEP. Monitoring station location, sampling frequency, and reporting schedules shall be Any additional stations which may be required during the
- 4 any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order. specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. regulatory authority shall issue a written Notice of Violation and Stop Work Order In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate Notwithstanding
- σ The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each
- 7. All retention lakes shall be constructed in accordance with the lake systemanagement plan dated March, 1984, which was approved for the TARA project. systems
- φ lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the the rights of way of the existing or proposed access roads. No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be point of outfall into the wetland system. parallel to the Evers Reservoir shall be placed within the designated buffer zone for all ten (10) foot contour line to the Evers Reservoir. preserve by establishing lot boundaries, a portion of the land below the ten (10) foot allowed below the ten (10) foot contour line except that required for proposed access All habitable structures shall comply with applicable Federal Flood Zone requirements bridges, culverts, drainage systems, utility lines, proposed bicycle and nature and existing county roads provided that such utility easements are located within This requirement is subject to FDEP approval. Conventional swales which run In addition, TARA shall
- 9 conditions, limitations and restrictions imposed in applicable permits. TARA shall install and maintain the water quality control system to comply with all
- <u></u>0. record Construction of the proposed drainage system shall be certified by the engineer(s) of
- 1. and operation program approved by Manatee County for the project The drainage/retention system shall be maintained in accordance with the maintenance
- 12 The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City Bradenton notice of all pending FDEP permit applications.
- ಭ Evers Reservoir from the TARA site shall not be significantly altered and the water The TARA drainage system shall be designed to insure that the quantity of flow to the

discharge of drainage water from TARA. quality of the Evers Reservoir shall not be significantly degraded as a result of the

- 14. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan control of such potential pollution.
- 5. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- <del>1</del>6. and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate the Manatee County Land Development Code. compliance with Outstanding Florida Water Standards as established in Section 717 of Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-S, III-T,

environmental criteria of the Southeast Area Task Force The stormwater management system for parcels III-X, III-T, III-S, and II-C shall meet the

- on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting groundwater flow to the Evers Reservoir, such increase may be credited to any deficit surficial stream system from wells which are cased through the surficial aquifer zone which may occur in surface flow be maintained throughout
- <u>~</u> have been turned over for maintenance to another responsible legal entity such as the be the responsibility of the developer until such time as the system or portions thereof Construction, maintenance, and remedial improvements of the stormwater system shall association.
- 19. III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. All wetlands existing on the 15.55 acre parcel to be added to the DRI located in Phase
- 20. management plan shall be approved by the Environmental Management Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the wetlands located in Phase III and as delineated on Revised Map H (dated August 9, 1996, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer Comprehensive Plan. The Developer shall establish a minimum fifteen foot wetland buffer around the
- 21. contiguous Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for wetlands must be provided for all wetlands in Phase II.
- 22. to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm County criteria which requires that the post-development peak rate of runoff be equal With regard to water quantity, the project must be designed to meet current Manatee

### = WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- .-In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share determined when required by the Manatee County Public Works Department
- 2 construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event County Public Works Department must approve the design

#### Page 5 -Ordinance 97-25 - Tara DRI #11

accordance widespread power outages occur, wastewater will be controlled from overflowing in with the best available technology.

### III. NOISE ABATEMENT

Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas activity areas away from the noise source. shall be located and designed in a manner which orients the living areas and outdoor residential units and the noise source. Living areas include bedrooms, lanais, and ned to maximize the distance between the L10 70dBA noise

applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards. protect public health and welfare (see Table I attached hereto as Exhibit A). Additionally, residential units constructed within noise level contours in excess of the L10 65 dBA contour must meet the sound levels identified by the EPA as sufficient to

#### <u>₹</u> SCHOOL SITE

If the County adopts any type of impact fee program for construction of school facilities during the term of this development order, the developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

#### <u>.</u>< ROADWAY IMPROVEMENTS

- <del>. `</del> County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. outlining the responsibilities of each party for construction of a traffic signal at the intersection of S.R. 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee By January 31, 1997, Manatee County and TARA shall enter into an agreement
- 2 completed the following roadway improvements: Building permits for Phase III shall not be issued by the County until the Developer has
- <u>a</u> entrance to the development. Construction of a free-flow right-turn lane on SR 70 at the Braden River Road
- ਉ Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection.
- follows: 70 to 1-75

Improvements to Braden River/Linger Lodge Road from

SR

<u>0</u>

- $\exists$ Widening approximately 2.4 miles of existing 20' wide pavement from 20' to 24' wide along with a leveling course and cap.
- 2 Construction of a 24' wide rural section 0.8 mile in length from the end of existing pavement to the beginning of the I-75 overpass.
- ω Grade the shoulders to the typical rural section where said roadway is contiguous to the development
- ω programs adopted by the County. The TARA development shall be subject to any future fair share road improvement
- 4 for review and approval. The transportation conditions in the Development Order be revised to reflect adequate mitigation for transportation impacts in accordance Chapter 380 of the Florida Statutes and Rule 9J-2.045 FAC. The results of this study shall be submitted to the County, FDCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and FDCA. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the

### Page 5 - Ordinance 97-25 - Tara DRI #11

accordance with the best available technology. widespread power outages occur, wastewater will be controlled from overflowing in

### III. NOISE ABATEMENT.

activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas residential units and the noise source. shall be located and designed in a manner which orients the living areas and outdoor

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### IV. SCHOOL SITE.

If the County adopts any type of impact fee program for construction of school facilities during the term of this development order, the developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

### V. ROADWAY IMPROVEMENTS.

- outlining the responsibilities of each party for construction of a traffic signal at the intersection of S.R. 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. By January 31, 1997, Manatee County and TARA shall enter into an agreement
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- (a) entrance to the development Construction of a free-flow right-turn lane on SR 70 at the Braden River Road
- 9 Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection.
- $\widehat{\Xi}$

Improvements to Braden River/Linger Lodge Road from SR

70

to 1-75

as

<u>0</u>

- Widening approximately 2.4 miles of existing 20' wide pavement from 20' to 24' wide along with a leveling course and cap. wide along with a leveling course and cap
- 2 Construction of a 24' wide rural section 0.8 mile in length from the end of existing pavement to the beginning of the I-75 overpass.
- $\widehat{\omega}$ contiguous to the development. Grade the shoulders to the typical rural section where said roadway is
- ω programs adopted by the County. The TARA development shall be subject to any future fair share road improvement
- 4 The results of this study shall be submitted to the County, FDCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045 FAC. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and FDCA.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this

- Ģ Prior to approval of Final Site Plans for development generating additional p.m. p hour trips in excess of 813 trips, the following improvements must be completed: peak
- (a) At the intersection of Tara Boulevard and State Road 70:
- $\exists$ minimum of 225 feet. An exclusive northbound right turn lane. The storage length shall be
- <u>(2</u> have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. A north bound left turn lane. The ri have a storage length of 135 feet. The resulting dual left turn lanes shall
- ω exclusive southbound right turn lane. The queue length shall be
- <u>4</u> lanes. Extend the queue length component of the westbound dual left turn The minimum queue length shall be 300 feet for each
- <u>6</u> Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction
- <u>0</u> Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction.

**Operation Sections** Additional requirements may be requested by FDOT's Access Management and Traffic All improvements are subject to approval of the Florida Department of Transportation.

commercial space has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It do not trigger the improvements pursuant to this paragraph.

### VI. GENERAL CONDITIONS

- Every phase of the development shall be required to be self supporting with regard to associated with a residential development. drainage, utilities, recreation, fire protection, and other services normally
- 2 Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County.
- ယ single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated August 9, 1996) and Exhibit C of Map H provided that the developer shall be in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project. allowed to modify the phasing schedule and unit type in accordance with procedures Construction shall be restricted to general building type, (e.g. multi-story, zero lot line,
- 4 compliance with terms and conditions of this order, a report shall be submitted to the review the report for compliance with the terms and conditions of this order. the Director decide that further orders and conditions are necessary to such time as all terms and conditions of this order are satisfied. Manatee County shall In accordance with Section 380.06(18), F.S., the Developer and any successors in interest shall submit an annual DRI report to Manatee County, TBRPC and the state land planning agency on the 13th day of November, 1997 and each year thereafter until Manatee County Board of County Commissioners and the Developer shall be notified Should

planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), of any hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this order. The annual report shall contain the information required by the state land . Failure to file an annual report as provided herein shall subject the Developer to temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- Current traffic count data (ADT) for the following locations:
- (i) East of the main entrance on S.R. 70
- (ii) Main entrance road near S.R. 70
- $\widehat{\Xi}$ Between Braden River Road and the Braden River on S.R. 70
- (iv) East of U.S. 301 relocated on S.R. 70
- (v) West of U.S. 301 relocated on S.R. 70
- Ġ outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice. County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said 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. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the at the rate of the processing fee for the Development Order under the current Planning and attorneys the County is required to expend related to said appeal or legal challenge In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff

### VII. CONCURRENCY AND PHASING

- Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the
- 2 time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended. 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that Any parcel in Phase III for which Preliminary Site Plans are submitted after November
- ω Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, F.S. purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan. In addition to the foregoing preliminary plan submittal project phasing conditions, the

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

subphases which have valid final site plans and construction plans in existence This approval shall not affect the ability of the Developer to These subphases include: complete construction of on July

- <u>a</u> Phase I-M renamed as Phase III-S on revised Map H (dated August 9, 1996)
- (b) Phase I-B renamed as Phase II-A on revised Map H
- (c) Phase I-N renamed as Phase III-T on revised Map H
- (d) Phase I-J renamed as Phase II-J on revised Map H.

allowed by plans for these parcels shall be required to comply with the requirements of this the existing Land Development Code. If these plans expire, any new site shall be entitled to request extensions of these plans as presently

as part of this approval. Upon its review and approval by staff, a Certificate of Level of Service will be issued Said certificate shall be for ten years.

### VIII. LEGAL DESCRIPTION.

Development of TARA shall be restricted to the 1124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14. TWP. 35 S, RGE. 18 E.; THENCE S 00°09′22° W. ALONG THE WEST LINE OF SAID SECTION 14. 750, FOR A P.O.B.; THENCE CONTINUES 30°09′22° W. ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE N.W. CORNER OF THE N.W. 140 OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH 172 OF THE N.W. 14, 312.71 FT. TO THE S.W. CORNER OF THE NORTH 172 OF THE N.W. 14, 312.71 FT. TO THE S.W. CORNER OF THE NORTH 172 OF THE N.W. 14, 312.71 FT. TO THE S.W. CORNER OF THE NORTH 172 OF THE N.W. 14, 312.71 FT. TO THE S.W. CORNER OF THE NORTH 172 OF THE S.E. 114, 2664.49 FT. TO THE S.W. CORNER OF SAID SECTION 23, TENCIC S 30°25′40° E, ALONG THE SOUTH LINE OF SAID SECTION 23, ALSO BEING THE NORTH 172 OF THE S.E. 114, 2664.49 FT. TO THE S.W. CORNER OF SAID SECTION 23, ALSO BEING THE SOUTH LINE OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF THE NORTH 172 OF THE S.E. 114, 2664.49 FT. TO THE S.W. CORNER OF SAID SECTION 23, ALSO BEING THE SOUTH LINE OF SAID SECTION 23, ALSO BEING THE SOUTH LINE OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.E. 100 THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.E. 1140 THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.E. 1140 THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.W. CORNER OF SAID SECTION 24, 343.75 FT. TO THE S.W. CORNER OF SAID SECTION 25, 32.755° E, ALONG SAID D.O.T. LIMITED ACCESS R.W. (160 FT. LEFT OF CENTERLINE CONSTRUCTION). BRADEN RIVER ROAD, D.O.T. STA, 25 + 80.249; THENCE N. 33°25'05° E, ALONG SAID D.O.T. LIMITED ACCESS R.W. (160 FT. LEFT OF CENTERLINE CONSTRUCTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R.W. (160 FT. LEFT OF THE BLUE ON 33°25'05° E, ALONG SAID LIMITED ACCESS R.W. (160 FT. THENCE NORTHWESTERLY ALONG SAID LIMITED ACCESS R.W. ALONG SAID LIMITED ACCESS R.W. ALONG SAID LIMITED ACCESS R.W. ALONG SAID LIM 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. STA. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY D.O.T. R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N

ALONG SAID D.O.T. R/W, 87.09 FT.; THENCE N 70°20′03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04"14", 318.70 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04′14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20′03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE; THENCE N 89°41′33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41′33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA. ALONG SAID D.O.T. R/≪ 719.00 FT.; THENCE N 48°46'37"

#### TOGETHER WITH:

THAT PORTION OF THE S 1/2 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LODGE SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER ROAD.

#### ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

#### LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS

#### רבטט

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

LANDS CONVEYED TO "FRENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### LESS:

ADDITIONAL R/W FOR S.R. 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER D.O.T. R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS

#### IX. GENERAL.

- 380 This ordinance shall constitute a development order issued in accordance with Chapter
- Ņ Definition and matters contained in Chapter 380, F.S., shall control 1 any defined terms and matters appearing in the development order. shall control the

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- ω The order: development order to the extent that they are not in conflict with this development following are hereby incorporated by reference and made a part of this
- documents submitted by TARA. "Application for Development Approval" together with supporting
- Ö application for a Notice of Proposed Change dated February 5, with supporting documents
- ö Revised Map H (dated August 9, 1996) together with Exhibit C to Map H.
- 4 The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grandfathering, vesting, or great-grandfathering issued previously to this project.

### X. RESTRICTION ON DOWNZONING.

- <u>.</u> The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:
- ည Substantial changes in the conditions underlying the approval of the order have
- Ö Developer; order was based upon substantially inaccurate information provided by the 9
- ? The changes clearly established by the County to be essential for the public safety or welfare.

changes in local land development regulations. For the purposes of this order, the term "downzoning" shall refer only to changes in zoning, land use or development to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), F.S. of Service for any portion of the proposed project. The inclusion of this section is not order. The term "downzoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level regulations which do not decrease development rights granted to the Developer by this in this paragraph shall be construed to prohibit legally enacted changes in regulations that decrease the development rights approved by this order, and nothing the usual and customary procedures required by the statute and/or ordinance for Any downzoning or reduction of intensity or unit density shall be affected only through zoning

### XI. BINDING ORDER UPON DEVELOPER.

This development order shall be binding upon the Developer and its successors ₹.

#### XII. RENDITION.

thirty (30) days of the date of signature by the Chairman of the Board Commissioners to the Developer, the Florida Department of Community TBRPC. The Planning Department is hereby directed to send certified copies of this order thirty (30) days of the date of signature by the Chairman of the Board of C Affairs, of County and

### XIII. NOTICE OF RECORDING

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

#### XIV. SEVERABILITY.

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

#### XV. EFFECTIVE DATE.

-This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Chapter 380.07, F.S., stays the effectiveness of this development order.

# XVI. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

The previous development order for TARA which was adopted on November 13, 1980 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

#### XVII.TERMINATION.

extended by law. This development order shall terminate on November 13, 2007 unless otherwise

ADOPTED with a quorum present and voting, this  $\frac{1}{1000}$  day of January, 1997.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Chairman

ATTEST: R.B. SHORE

Clerk of the Circuit Court

TABLE I

# SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL'	AREA
Hearing Loss	L <sub>eq(24)</sub> 70 dB	All areas
Outdoor activity interference and annoyance	L <sub>dn</sub> 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	L <sub>eq(74)</sub> 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and	L <sub>dn</sub> 45 dB	Indoor residential areas
annoyance	<sup>L</sup> eq(24) <sup>45</sup> dB	Other indoor areas with human acitivies such as schools, etc.

 $<sup>^{1}</sup>$  Leq(24) represents the sound energy averaged over a 24-hour period while L<sub>dn</sub> represents Leq with a 10 dB nighttime weighting.

Approved Development ۸٩ Phase

TARA

PARCEL         NUMBER UNITS         I I I I I I I I I I I I I I I I I I I	39 97 128			-	
NUMBER	39			128	III-X
NUMBER	39			97	III-Q
CEIL         NUMBER UNITS         I         II         III				39	III-P
CEL         NUMBER UNITS         I         II         II         III         II	38			38	III-O
CEL         NUMBER UNITS         I         III	227			227	III-N
NUMBER UNITS   PHASES	36			36	III-M
CEIL         NUMBER UNITS         I I I I I I I I I I I I I I I I I I I	188			188	T-III
CEL         NUMBER UNITS         I IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	128			128	III-K
NUMBER   COMPLETED*   2/95*-10/97*   9/96*-10/02	19			19	Fills
CEL         NUMBER UNITS         I COMPLETED*         PHASES           1 UNITS         I COMPLETED*         2/95*·10/97*         9/96*·10/02           1 35         719         2/95*·10/97*         9/96*·10/02           1 35         35         35         35           2 35         35         35         35           3 49         49         49         49           4 69         80         80         35           3 23         323         23         35           3 23         323         23         35           3 27         27         27         27           4 6         35         36         36           3 23         35         37         37           4 3         35         37         37         37           3 23         36         323         37         37           4 3         36         37         37         37         37           4 46         37         37         37         37         37         37         37         37         37         37         37         37         37         37         37         37         37	208			208	III-I
CEI.         NUMBER UNITS         I I I I I I I I I I I I I I I I I I I	120			120	ш-н
CEL         NUMBER UNITS         I COMPLETED*         2/95*-10/97*         9/96*-10/02           1         719         719         9/96*-10/02           35         35         35         35           80         49         49         49           80         80         80         80           27         27         27         27           16         16         16         16           76         76         16         16           97         48         16         16	47	·		47	III-G
PHASES           NUMBER UNITS         I III         III         III           719         719         2/95*-10/97*         9/96*-10/02*           35         719         35         35           49         49         49         49           80         80         80         80           69         69         69         69           23         23         23         23           16         16         16         16         16           76         76         76         76         76         76           97         97         996*-10/02*         77	187			187	III-F
PHASES           VOUMBER UNITS         I II III III IIIIIIIIIIIIIIIIIIIIIII	97			97	III-D
CEL         NUMBER UNITS         I I II III III IIIIIIIIIIIIIIIIIIIIII	46			46	III-C
PHASES           NUMBER UNITS         I I I I I I I I I I I I I I I I I I I	76			76.	III-B
PHASES           NUMBER UNITS         I I I Z/95*-10/97*         I Z/95*-10/97*         II Z/95*-10/97*	20			20	III-A
PHASES           NUMBER UNITS         I I COMPLETED*         I Z/95*-10/97*         II Z/95*-10/97*		16		16	II-J
PHASES           VUMBER UNITS         I COMPLETED*         I Z/95*-10/97*         II Z/95*-10/97*		27		27	II-F
NUMBER   COMPLETED*   Z/95*-10/97*		23		23	H-E
NUMBER   COMPLETED*   2/95*-10/97*		69		69	II-D
CEL NUMBER I . II UNITS COMPLETED* 2/95*-10/97*   35   35		80		80	II-C
CEL NUMBER I I II UNITS COMPLETED* 2/95*-10/97*   35   35		49		49	II-B
CEL NUMBER   PHASES     I		35		35	II-A
NUMBER I II UNITS COMPLETED* 2/95*-10/97*			719	719	Phase I
	Ш 9/96*-10/02*	II 2/95*-10/97*	COMPLETED*	UNITS	PARCEL
		PHASES			

Page

18 Holes, Clubhouse, Maintenance Center			Golf Course	Ш-Е
		18 Holes, Clubhouse, Maintenance Center	Golf Course	Phase I
			<i>S</i>	GOLF COURSES
258-899-262,899	13,700-17,700	84,901	361,500	
0-3,000**			0-3,000**	ш-w
0-7,000**			0-7,000**	ш-v
100,000			100,000	ш-U
0-8,000**			0-8,000**	п-т
0-18,800**			0-18,800**	ш-ѕ
122,099-162,899**			122,099-162,899**	Ш-R
	3,600		3,600	п-1
	0-4,000**		0-4,000**	п-н
	10,100		10,100	II-G
		84,901	84,901	Phase I
Ш 9/96*-10/02*	П 2/95*-10/97*	I COMPLETED*	SQUARE FEE!	PANCEL
	PHASES			
				COMMERCIAL

referenced phase. Dates referenced above are required dates for submittal of a preliminary plan for the

Developer reserves the right to transfer all or part of the building square footage from Parcels II-H, III-S, III-T, III-V and III-W to III-R if the square footage is deemed unnecessary on those parcels. Any transferred square footage may be used as commercial as noted in

Attachment B.
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 of ice.

Witness my hand and official seal this 2 day of the sea

SHORF

R. B. SHORE
Clerk of Circuit Court

10.6 EXHIBIT C OH MAP

Ħ

(Ordinance

97-25)

Revised 12/13/96

Page o f

#### DEVELOPMENT ORDER AMENDMENT FOR TARA, DRI #66 Manatee County

received a copy of a resolution issued by Manatee County Board of County Commissioners amending the development order granting approval of the Tara residential development. The proposed Tara development was approved by the Council on August 11, 1980 and a development order was issued by Manatee County on November 13, 1980. Pursuant to Chapter 380.06(17)(a), Florida Statutes, modifications to a development order issued by a local government are subject to state and regional review and appeal provisions of s.380.07.

This resolution requires that the developers donation of land and pro-rata share of the construction costs of an elevated water tank shall be determined "when required by the Manatee County Utilities Department" rather than "prior to preliminary PUD site plan and/or prior to issuance of building permits for Phase I" as stated in the original development order.

Utilities Department stating that an elevated water storage tank would be necessary, it was TBRPC's recommendation that this land donation and pro-rata share payment be finalized prior to issuance of building permits for Phase II. Since the application contains a letter from Utilities Department stating that an elevated the Manatee County

Department The Council for staff will for further explanation. contact the Manatee County Utilities



### MANATEE COUNTYGOVERNMENT

March 23, 1982

Florida Department of Veterans and Community Affairs 1720 S. Gadsden Street Tallahassee, Florida 32301

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Tampa Bay Regional Planning Council 9455 Roger Blvd. St. Petersburg, Florida 33702

Dewey Dye, Jr., Esq.
Dye, Cleary, Scott & Deitrich, P.A
Southeast National Bank Bldg.
Bradenton, Florida 33505

Jerry West, Planning Director City of Bradenton City Hall Bradenton, Florida 33505

Re: DRI #11 (TARA, Ltd. - 11/13/80)

Greetings

In accordance with Sections 380.06(17)(a) and 380.07(2), Florida Statutes, I am transmitting herewith to each of the parties above named, on behalf of the Manatee County Board of County Commissioners, a certified copy of a Resolution Amending a Resolution Granting a Development Order for Tara, Ltd. The Resolution modifies Development Order DRI #11 issued by Manatee County on November 13, 1980 and declares that that modification does not represent a substantial deviation from the Development Order.

Additionally, attorneys for Tara, Ltd 380.06(14)(d) to record this Resolution. Ø 1-1 take this opportunity to of their obligation under notice of modification a to remind ter Section approved l уď the

Very truly yours,

KEITH ROBERTS Assistant County Attorney

KR:jec

CC Larry rnon SHE E. Vicker razier, I iciliano Di Di rector, Planning & Development, Chief, Current Planning, Manatee Commis Manatee e County s. one County

DIRECTOR OF LEGAL SERVICES 1105 6th Avenue West. Bradenton, Florida (813)4501 Ex

P.O. Box 1000, Bradenton, Florida 33506

DRI #11

# RESOLUTION GRANTING A DEVELOPMENT ORDER

Approval (ADA) of in accordance with Section 380.06, iled with Manatee WHEREAS, TARA, LTD. a Development of Regional Impact County an Application hereinafter Florida Statutes, referred for Development φ as "TARA" (DRI #11) has

Manatee County, Florida and owned by First National Bank commercial activity center upon real property located in attached Exhibit A and made Trust Company of Riviera Beach, recreational and commercial development WHEREAS, TARA proposes (PUD) of 4040 dwelling units with associat a part hereof; activities together to develop as trustee, as described ወ residential planned and with

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

Manatee proceedings was duly published; Florida Statutes, WHEREAS, pursuant County Zoning Ordinance a notice of to Section VIII, Paragraph A(1) public hearing and and Section 380.06(7), 0f thes

S August eptember WHEREAS, 27, public hearing 30, 1980, upon publication and furnishing **1980** September bef ore Ľ, these the 12, Board 1980, proceedings Of September County was of Commissione 16, held due 1980, notice

of Commission; Manatee County, and Florida, and the Manatee County Planning

the the City proceeding, WHEREAS, 0f Bradenton at the which public hearing held request, requested without recognition objection, on August as ρ party was 27, granted; 1980

given any opportunity WHEREAS, an opportunity member conduct a11 of о С cross-examination the parties present to present general were evidence public afforded written and and requesting submit or at argument oral communication; the rebuttal publi ţ g do all ດ hear evidence SO

Of f County its regional planning agency, Tampa Bay the WHEREAS, development; Regional Planning Council (TBRPC), report pursuant and recommendations on the and β prepared and submitted Section 380.06(8), regional impact the Florida appropriate to Manatee Statutes

a t and hearing Planning Commission have considered the Manatee said other WHEREAS, Уd County public documentary TARA, said Board hearing; staff the City of Bradenton, agencies evidence and of County Commissioners and various submitted testimony, TBRPC, at persons said public as well as in attendance reports said

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

considered informed WHEREAS, in all the said of premises the Board foregoing and 0f County Commissioners, being fully advised and having

THEREFORE, BE ΙŢ RESOLVED þу the. Board 0f County

makes applicable concern, Commission Section Sections Beach publication has been duly general Commissioners impact objectives described the Application: other Regional published in the (d) <u>G</u> **d** (a) Уď Manatee County the as stated VI, circulation 380.06(10) H and Upon First National Bank The proceedings, 380.06(12) A Notice trustee does applicable following S. 15 adequately of င် has determined that FURTHER RESOLVED, Paragraph not consistent with local land Planning real of Manatee any 'n. the consideration not attached the ĽS. located adopted state land development O.F. property area; Florida interfere and in Manatee County, findings located in Public provisions Zoning addresses report 14 and Bradenton Herald, Council 380.06(13), 0f County, in Exhibit rs S filed involved Statutes, the Hearing in of. Ordinance and an with of λq ξ٦ consistent dated the Manatee area the all matters Trust of Manatee fact: in these the recommendations A, Florida, the concerns TARA development local 'n and 0f Florida Commission, August and Section VIII Paragraph Company and achievemen this Florida, County, these critical ជា madewith development County proceedings and state proof newspaper that prescribed development of Statutes, of proceedings that ы said part Zoning Ordinance, Florida 1980 regional of Riviera pursuant as 0f rt of report law, such conclusions Board on described hereof regulations; Tampa

0f Appl. and and Regional the in Chapter the therefore, law, the limi relief proved provisions ication Application that 380 tations Impact all prayed the for the Florida of Commission hereby the hereinafter Development (DRI proceedings and the and, material #11), Statutes, applied Manatee subject subject set allegations Approval have for County and that forth, 6 approves been in said Application the ţ Zoning for the conditions, conducted TARA TARA and ឋា and following Developmen ı. Ordinance asserti has grants entitled sustained pursuant ons restrictions TARA' rt and, made Of. ф ល 6

### CONDITIONS AND LIMITATIONS RESTRICTING DEVELOPMENT

## I. WATER QUALITY AND QUANTITY

- which Florida carried ç Regulation В the the 0 ۳ water project. and TARA out Administrative Water 0 (FDER) site on quality ther the quality The and applicable shall site Florida standards the Code, standards эd Йq specifi the the laws Department (F.A.C.) as applicant responsible Ġ defined and defined activities regulations of. shall 'n. in Environmental agency Chapter Chapter bе proposed applicable are for 17-17applicable determining 6 bе
- act 6 tandards conform iviti Section 2 . С С Αt under ξ such 403. such ρ time 182, local standards as Florida pollution the County for Statutes, a11 control may future adopt TARA program, permitting shall water bе נים quali required accordance ţ
- program surface construction  $\omega$ water based TARA g noqu quali shall the FDER ţ.ţ TARA establish for criteria site മ one ρ water The (1) ç year purpose monitor quali period Ŕ 0 fi pre-developmen monitoring this prio monitoring 4

g program or, passing z. to through establish the baseline TARA site data during 0f the seasonal water quality variations

- which such Mana are and Manatee projec water specific reporting Ω 4. quali may lata Õ County County shall Monitoring эd r. ţУ to required provided ъe sampling schedules Pollution provided the TARA subject station location, during the ç activities shall that all FDER. to FDER site. Control bе A11 Any approval construction required determined Department shall data additiona sampling bе resulting station locations provided Уď at phas FDER the frequency stations from thes es same and to the 0 H time
- the 0f appropriate flects Violation the pursue. violation, or order exceed Manatee 0f the that In the shall remain led 48 party regulatory and Work by activity occurring the hours County and directing that event Stop Work prescribed water may responsible notwithstanding that monitoring data Pollution resume authority in full Order H. for the force Control shallissue specifying the such activity quali any on the Engineer and effec activity Department appeal ţ aff മ criteria TARA si the written Notice 0f shall the rmatively 4 nature cease Record for te, that developer certify immediately 0f

other County entitled includes the char provision Pollution Stop ge ţ Ø and life finding steps Work stay correct or in have Control Order that, during this property, been the paragraph, Director, in violation. administrative taken the the opinion to developer the j.f terminate the Notwi violation 0f or Stop the shall thstanding judicial Work Manatee not constitutes unacceptabl Orde:

- five provided the throughout FDER party (5) and years The responsible the described water construction phases after quality monitoring the for in paragraphs completion of water quality of Ü the project and program Phase control 4 shall III ಬ್ as Λq establi and be hereinafter TARA or continued
- Water Maintenance shall system, furnished forth construction bе μį Maintenance the developed Prior detailed and TBRPC's Manatee tο Design the Plan, in Lake County recommended accordance construction Guidelines Appendix 11-A. Systems for comments with the Management Stormwater of February, the Such plan and guidelines retention Plan and Lake approval 1978, for shall Areawide set Systems prior эd
- and provided proposed foot Ę. question addition, roads, Conventional runof adjacent Ō ights portion either greater freshwater contour H 0f bridges, ¥. below 9 bicycle No 40 that 0f way TARA the the destruction ф line the the There swales 0 f such utility fif the marsh) the shall wetlands culverts, the and land ten ţ except designa shall extent which (50) (10)nature preserve existing shall below 0f that feet Ьe ted drainage of. foot run easements The wetlands on be the paths, DER's buffer þу or required adjacent parallel direct portion allowed contour ten (10) establishing lot proposed and existing county systems, jurisdiction, (izone are discharge ťο for O line below ф ç foot located for the Ward bе access freshwater proposed utility б the preserved all wetlands contour Ward Lake of whichever within roads. lots ten boundaries stormwater access lines, (10 which sha roads In

are comply s, Nonsens the River subject runoff below point Road with applicable Creek. the of from and Linger ţ outfall into FDER approval. ten the lots Sheet (10)Lodge flow Federal foot ç the Road. discharge the contour wetland system. All habitable Flood Zone wetlands Said swales line shall system and requirements þе structures between This provided shall adjacent requiremen convey Braden shall at 6

- imposed in applicable comply with required ADA, and maintain The shall þу water all law require conditions, and quality the FDER the prior water permits rules control approval and limitations quality 0f system, FDER. control permits and as TARA described restrictions system from
- Эф certified by 10. Construction of the engineer(s) the proposed drainage of record system
- under the provided by TARA. shall drainage/retention system which is Manatee County drainage/retention system shall be adequate preliminary 11. be maintained by Florida for maintenance safeguards A maintenance approval Statute, prior PUD The prior site б specific legal mechanism 125.01(1)(q) or other a special and operation program preliminary PUD plan approval. plan. to or shall be submitted as taxing unit part to be constructed by provided by TARA to of the as means for approval of ф authorized ç as insure
- applications Bradenton right 12. notice The with participate County 0f FDER. a11 and pending the The in any City County FDER proceedings 0f shall permit Bradenton give applications involving shall the City have permit
- insure that The the TARA quantity drainage 0f flow system 6 shall Ward be Lake designed from the

site result ħ Ward shall of Lake the discharge not shall эd significantly not bе Of significantly degraded drainage altered water and from TARA the water as quality

- County protect water phase 14 эd for required Erosion and മ approval plan quality during for prior TARA shall sedimentation control to construction construction of prepare such controls potential and plan and site furnish necessary approval pollution to Manatee activity Of.
- rules 20 15. and the regulations during County inspection program ţo insure and compliance may after bе construction. instituted with a11 applicable Уd either
- criteria Property storm the stormwater 16. in This and road drainage its TARA shall be requirement shall lake system and drainage system shall meet required from shall attenuate be subject the TARA development ф retain a to FDER approval ρ 10 year 10 25 year year design 24
- This that shall be program shall station conditions ervice, one (1) year prior a11 information, 17. All bе locations, shall used Soil provided required data Pre-development schedules on District the to determine baseline ಅರ Conservation resulting continued together TARA station ç instrumentation, shall (SWFWMD) a11 site. to construction on from agencies be locations surface with all other Service, throughout and determined these Monitoring Manatee flows listed monitoring surface water are South sampling the Уď shall specific County above requirements including West the available construction U.S. frequency, TARA рe activities Florida Geological monitored The flow site data, Water

89 of the project

- defi flow with data acceptable being discharged over surface deficit which above during conducted by throughout approval icits to Ward Lake, property. that periods flows Λ̈́q cased Pre-development the development has each of augmenting TARA, may occur is determined to that water SWFWMD. Such phase through such TARA ф augmentation 0f the Ward Lake the This increase may be in surface the agencies listed in paragraph 17 shall the surficial development. surface in excess surface requirement эđ bе caused an required program the flows flow stream dam. of the aqui result Where credited shall increase shall system If TARA can fer ő shall City's needs of offset a defici эd zone not þе activities ť maintained from in groundwater on be applicable subject any such rt substantiate wells
- said and Эд and engineering required Control construction year monitoring programs consistent prior 17, paragraphs monitoring 19. and Department for approval of No .te all such permits purposes. shall be started construction permits preparation surveying, and in W programs. and 17, conformity the Any other soil FDER work the For and prescribed term sampling, prior and such the with the construction shall thereafter activity shall "construction" Manatee purposes as to completion of the core Ьe in paragraphs data obtained County shall necessary issued 0f drilling, this рe shall Pollution and subject clearing paragraph the one
- until 0f the 20. stormwater over Construction, time for S maintenance system the system maintenance, shall ţ or эď the portions the County and responsibili remedial .thereof pursuant improvements have ç 0 μh TARA

FDER measures water shall special insure urety system. Ø permits. as quality provide ç bond, performance taxing φ the approved achieve cash benefit security standards and unit Such bу or of the and provided security cash 0f Manatee in the maintain the equivalent, system the County for may County. amount conditions in the þе in ф compliance in paragraph 11. 0f design fund Said or the \$100,000.00 such 0f any security form performance applicable other with applicable necessary 0f shal form COL of

that project posted project amount reasonable purposes applicable the If prior Ľ. and and shall this set entire maintained at \$100,000.00. time, water shall forth to the security stormwater restore quality þе remain in in this issuance released by the or standards the ω paragraph, system is portion force until of any building permits security thereof County upon functioning so used so The security TARA shall, completion is: used that certification to meet within of shall for for the the əd þ

#### II. WATER ATAADS AND WASTEWATER TREATMENT FACILITIES

- Utili upgrade thwest .ty the System TARA shall Regional existing (MCUS) Treatment conduct wastewater to determine the α Plan study transmission from with Manatee TARA possible sys need County the
- development. project Develo during construction Creekwood )per Phase An H Ø Development Λq 9 agreement 0f H, TARA TARA The an if plant additional on necessary, 9 and Manatee shall an മ will thirty <u>a</u>1 ternate þе either and treatment (30) negotiated between Phases County County ь́е acre built plant which allows site H approved and Λq ţ north III Creekwood serve the of of TARA,

Ward The site eviewed Lake. shall The and approved by the County prior ъ́е design located and outside location of the existing these facilities to plant watershed construction must 0f

- elevated finalized facilities demand ficient pro for donate periods, rata such tank permits In prior flows shall be erected on the order land and pay share facilities. when an elevated water to preliminary and for ţ they shall pressure to the development ensure Phase deem it be a pro H The adequate potable finalized prior PUD donation MCUS rata share necessary. tank or site site. will construct of plan other The 0f land shall water approval applicant construction issuance equivalent during supply, peak
- outages the and with such assurances TARA and system. development's occur, the The MCUS County shall maintain sewer collection system shall be must with the wastewater sewage approve best that collection system and will the design and construction available in the be controlled from overflowi the system in such event technology widespread constructed water distribution power way

### III. NOISE ABATEMENT

- and 1. ß Regarding noise ₽. 70, the following abatement conditions along the shall be corridor required
- Federally the (a) L10 No section 70db(A) residential the γď accepted environmental Llo of some noise I-75 70db(A) performance development level, unless exterior such as equivalent established in the shall be noise impact residences report allowed within measure are
- 6 (d 70 db (A) residences noise contours constructed shall between be located Llo 60

bе designed submitted with landscaped vegetation include areas lans positioned away and and lanais in data the from buffering ф B reduce to maximize manner noise preliminary on and Florida the said noise source. which should noise, screening the use source. מטק rooms. orients bе and Preliminary site provided significant should of the Buildings Living plans existing living be residential landsc areas shal

#### IV. SCHOOL SITE

- Manatee ten (10) year County, A ten (10) Florida for use period for donation acre site shall as a school ç ь́е the held School 'n site reserve Board
- said etc purchase are build a notice and encumbrances except the common successors, that site school serving improvements 2 site, from property board school on Уď Upon receipt shall be held to the development. board said said school the а † the μ. (e.g., particular school 20 įτ as the which ល acre a donation, said school board has determined acquisition site the of written notice utility in reserve for board. such restrictions have board site site). been made that shall be property will be services, Upon receipt free cost An additional α school plus and clear the ф conveyed to the applicant, clearing or and conditions same the .պ. of for cost twenty ţo of conveyed ď written period for the drainage, be built said all liens 0f benefit (20)or
- has not the provided Ιf at right the TARA ç end acquire 0f with ten (10) the said written notice property years, said shall as school provided board

PUD and TARA deed parcel restriction location of site locating will for shall plan use All cooperate with both sites shall bе acceptable as property approval. agreed þ result school conveyed upon by and purchase sites within the the in the site. School the herein property A violation parties Board price shall project. reverting of in making prior of þе the the restricted 20 to deed The to TARA. acre surveys preliminary bу

### V. ROADWAY IMPROVEMENTS

Уď TARA prior The following to the issuance roadway of improvements building permits shall рe for construc Phase

H

- (a) divided highway Construction from SR 70 of main entrance g the commercial road as areas four-lane
- (d) traffic Construction of on SR 70 at the main entrance left turn lane for westbound
- turn entrance <u>c</u> lane Construction for eas tbound Qf Ø deceleration traffic g SR lane 70 at and the main
- the shall written County unless 2 эd commitment Building constructed by permits TARA has that the the for Phase provided completion following Н the County roadway shall 0f Phase not .improvements with əd H issued bу
- (a) the Signalization Department the 0f of TARA Transportation the intersection development subject 0 f SR 70 to approval
- Road **(d)** at Construction SR 0f ք leftturn .lane 95 Braden Rive
- River <u>(c)</u> Construction of þ left turn lane ac SR 70 at Braden
- Building permits for Phase II shall not Ьe issued

with a by the shall be written commitment that County until the constructed prior developer has to completion of Phase the following roadway improvements provided the County

- westbound traffic (a) Construction of an additional left-turn lane on SR 70 at the main entrance
- divided internal intersection. <u>d</u> Upgrading of road from commercial areas the main entrance to the third road to a four-lane
- Уd the constructed Building until the developer commitment that permits for prior to completion Phase the has provided the following roadway improvements III shall of Phase not əď County
- development. 70 at the Braden River Road entrance (a) Construction of free-flow right-turn lane on ф the
- the divided road from the third internal <u>b</u> sixth internal intersection. Upgrading main entrance road ţ intersection four-lane
- standards described in a letter dated August 19, 1980, and Linger Lodge Road which will improve said roads to in said letter will Highway Department. <u>0</u> to Civil Engineering Consultants from the Manatee County approval stage TARA shall make improvements to Braden River be addressed Any deviations at from the preliminary conditions ana site
- (d) foot typical dedicated River shall by TARA. Road and Linger rural section where also be responsible Lodge right of way can Road for regrading
- and for III, 6 issuance the developer of building shall evaluate, permits for and update Phase H

as shall written (60)approval necessary, days also description of by the after Ьe provided. the submittal. Board of County Commissioners ADT data and Such justification provided changes on maps shall for J-3 bе any within subject and changes J-4. ×

- fair share The TARA development road improvement programs shall ьф adopted by subject Ġ the any County future
- VI. GENERAL CONDITIONS
- associated with recreation, self supporting with regard to roads, drainage, Every phase fire מ protection, residential development of the development and other services shall bе normally required utilities ťο
- services, preliminary PUD required financial will of the TARA shall and bе cost used sheriff's of site о ф donate constructing house contribution shall plan office land and contribute ρι approval. fire The ք station, public location əq service emergency medical finalized prior of а the pro-rata building site
- approval development. area ssuance site O Hi shall  $\omega$ sufficient and 0f plan of The be final developer building The finalized prior the development PUD location of size to meet site plan approval plans shall shall incorporate the to preliminary PUD the needs of the a child-oriented be finalized prior child-oriented in the preliminary site TARA recreational recreational plan
- issuance County line from ţo 0f Written serve the building Florida Power that assurance permits phase shall for and Light each phase be provided to Company that prior Manatee capacity do the s.
- type, (e.g. Construction multi-story, shall zero be lot restricted line, single ç general family,

set number increased market ç modify Manatee ADA forth in the of conditions r L off the units, County Section V, ADA site phasing and provided provided zoning impacts square schedule Planned Unit ordinance, that greater such modifications footage the in accordance than developer of to accommodate Development, propos those with shall ed uses do not presented Paragraph the fluctuating þе cause procedure allowed

- drainage/retention system and water service charges, area municipal service pursuant County for required ervices, of only, 6. the Уď ф In including the shall this TARA development and, Section 125.01 (1)(q), addition creation of Development provide special taxing the to any other continued unit shall include essential assessments, a municipal service Order, maintenance through funds financial facilities Florida TARA may quality or taxes Statutes. control system the assuranc apply to of and municipal within taxing derived from geographic Said such unit the
- year report including but 0f Development Statutes, TARA Community Affairs and all regional impact and shall be shall In accordance with Section 380.06(16), Department of Manatee County, not contain shall submit an annual report submitted limited to the Director the on to SWFWMD following information: the 13th day of affected permitting agencies of the Planning and and FDER. TBRPC, the Department November on the development The annual Florida 0f each
- ment, (a) therein made Identify any changes in the phasing or the since the presentation for development last progress proposed plan report. 0f contained develop-
- <u>B</u> Description eport including of development summary activities 0f development since ţ the last

for the following:

- (ĭ) Residential units, (by type), (location)
- (ii) Commercial square footage constructed
- conducted in the <u>(c)</u> A description of development activity proposed year immediately following ţ bе
- the (a) Development Submit the Order: following information with reference
- ing (ĭ.) program А сору 0f results the water since quality the last and annual quantity moni report.
- since charts, (ii) the description, 0f last the annual stormwater along report. with management appropriate system constructed
- since the last required under (iii) Description of annual report Section V of this the roadway Development improvements Order
- none date since (e) 0f indicate same, Identify dates the agreement: last annual report Ήf of agreements which have agreement on the following has been reached, been items reached identify
- Southwest (i) Study Regional Treatment Plant to upgrade wastewater transmission
- and TARA of adequate (ii) Agreement III during of the Phase wastewater for construction siting development T, H. treatment necessary, facilities and Phases and construction င္ပံ II serve
- rata pressurizing (iii) share Agreements 0f facilities. construction for siting cost and of determination auxiliary water pro
- (10)(iv) Siting and twenty and (20) purchasing acre school arrangements sites. for the ten
- <u>ક</u> construction Siting and cost determination Of F the public Of. pro service rata share building

- (vi) Design and siting of the child oriented recreation
- any development (f) assignees Þ statement order or successors setting forth n. the interest names ţ and addresses this Of
- (g) following Current locations: traffic count data (ADT) for the
- (i) East of the main entrance on S.R. 70
- (ii) Main entrance road near S.R. 70
- (iii) River Between Braden River Road on S.R. 70 and the Braden
- (iv) East of U.S. 301 relocated gn S.R. 70
- (v) West of U.S. 301 relocated on S.R. 70

### BE IT FURTHER RESOLVED THAT:

- Order ļ. issued This in Resolution shall constitute accordance with Chapter 380, മ Development Florida
- order. defined Florida 2 terms and matters appearing Statutes, Definitions shall and matters control the contained in the development construction in Chapter
- and made ω a part The following of this Development are hereby incorporated Order: Уď reference
- submitted by TARA, (a) The "Application for Development Approval" LTD
- hereto as <u>(d</u> The legal description of Exhibit the property attached
- <u>0</u> (SE-80-23) adopted November 6, The resolution granting נום 1980. Special Exception
- Unit (a) The Development resolution granting (R-80-21)adopted November Rezoning ф Planned 6, 1980.
- This Development Order shall bе effective

above Эď County for period during matters building Board provided that do so. the construed other Resolutions noqu provided 0f County which unless provided permits, twenty necessary р នួ showing there 9 said the shall മ granting þу other (20) waiver effective certificates ı; requirements permit Florida Statutes 0f be any years governmental agency good tolled of SE-80-23 building permit procedures, any from period may cause. 0f during are Manatee the and occupancy, specifically date S S This any R-80-21 plat bе County ordinances period of moratorium approval extended having approvals this or simila requirements The Of waived authority Resolution þу 0f shall not imposed the Manate

- ಬ any Order. agency herein successors inure successor 0f future ហ ф to any the in existence the This in powers instrumentality which may be benefit in interest. governmental agency Development interest and on 0f duties the the applicant to, Ιt Order effective is understood or of any which otherwise shall shall be referenced date and be binding created that 0f its construed this assignees, governmental any reference possesse and designated noqu Development to mean and
- Florida filed and the and D recorded development certified the Development in true the of TARA сору Public Order of Records this contained resoluti 0f Manatee herein Ön shall shal County ಕ್ಕಿ
- Florida Manatee substantially County, Statutes, M finding Florida, deviated after þу the notice in Board from accordance and of the public County conditions, with hearing, Commissioners Section restrictions that w 80.06(7) TARA

and Order State 380.06 termination limitations of and Florida Statutes, Florida additional of all 0f development this regional Development and other review activi Order applicable pursuant .ty under shall this to laws result Section Development of the 'n,

- 0f Ø notice County adoption by stays Community  $_{\bullet}^{\infty}$ the of and transmittal This appeal effectiveness the Affairs Development Board pursuant provided, 0f ф of County to the Order this Chapter TBRPC however, shall become Commissioners Development and 380.07, that the Florida Order effective upon the Florida 0f filing Manatee Division Statutes Off ρ
- of. in Regional directed these Florida Division ADOPTED proceedings Planning ţο The cause with County Council а Ø certified Attorney quorum present 0 fi for Community TARA, and ր. Տ npon сору T.T.D hereby Affairs, hereof and and the authorized voting, the attorneys to City the əd this Tampa of served 0f Bradenton. record 13th day Вау npon

November, 1980

Ву Chairman

less

MANATEE BOARD OF

County,

COUNTY

COMMISSIONERS FLORIDA

OH

ATTEST: Clerk o Shore rcy rt Court

#### LEGAL DESCRIPTION OF TARA - DRI \$11

ALONG THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. BRADEN RIVER ROAD, OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, OF BRADEN RIVER ROAD, NORTH 1/2 OF NORTH 1/2 OF THE N.W. THE NORTHERLY D.O.T. THE WEST LINE OF SAID SECTION 23, S.E. S.W. CORNER OF **EAST 1/2** SAID WESTERLY D.O.T. R/W, 79.05 FT; THENCE N 83°26'06" HE THE SOUTH LINE OF S 00°09'22" W, ALONG THE WEST LINE OF INTERSECTION WITH CORNER THEREOF; CORNER THEREOF; SOUTH LINE OF W, ALONG ರ CONCAVE HE 유 SAID ALONG SAID NORTHERLY D.O.T. HE CONTINUE SAID SECTION ALSO BEING THE WEST LINE OF SECTION 24, TWP. S.W. D.O.T. SAID SECTION 24; ರ SAID LIMITED ACCESS RYW OF SAID BRADEN RIVER ROAD, A.K.A. 1/4 OF 1/4 OF THE NORTHEAST, 35 S., SAID NORTH 1/2 OF THE N.W. 1/4, SAID NORTH 1/2 OF THE S.E. S 00°09'22" W, TO THE CORNER OF SAID THENCE 묾 THENCE S 00°21'47" W, ALONG THE WEST LINE OF STA. 25 COPNER OF 23, (LINGER LODGE ROAD); SAID SECTION 23; THENCE S SAID SECTION 23; SOUTHERLY LIMITED 934.75 S.E. RGE. 18 E.; THENCE S 00°03'05" E, S 2647.40 FT. 00°42'53" W, + 80.24); THENCE 1322.53 THENCE CORNER OF Ħ. HAVING R/W OF ALONG SAID WEST SECTION LINE, SECTION 14, R/W, 7 o R/W, S R/W SEC. SAID TO THE S.W. JMP. THE WESTERLY 89°29'57" E, A RADIUS OF SAID SECTION THENCE S 89°28'30" STATE ROAD NO. TO THE 2701.71 FT. ALONG THE 30.24 FT. AND ö 24, TWP. SECTION 14, THENCE 1/4 **ALSO** CONTINUE 654.90 FT.; THENCE THE INTERSECTION WITH S.W. THE 2654,49 89°25'46" 3142.71 FT. 93 (I-75); THENCE N 00°27'05" EAST LINE OF CORNER OF D.O.T. TO THE BEGINNING ALONG CORNER OF o To HE ALS0

"Exhibit A"

SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; A CENTRAL ANGLE OF 01°04'14", 318.70 ALONG SAID R/W, AND THE ARC OF SAID CURVE, OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, 923.32 FT. TO THE P.T. OF THENCE NORTHWESTERLY, R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS TO THE P.C.C. OF A CURVE, CONCAVE TO THE AND THE ARC OF TOWNSHIP OF A CURVE, 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY SAID R/W, 739.91 FT. 323.63 FT. TO THE P.T. OF SAID THENCE N 70°20'03" W, ALONG SAID CURVE, THROUGH A CENTRAL SAID CURVE, THROUGH A CENTRAL 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID D.O.T. R/W, OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O. N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, THENCE N 00°55'05" THENCE NORTHWESTERLY, ALONG THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THENCE NORTHWESTERLY, ALONG RYW OF STATE ROAD NO. CURVE, A CURVE, CONCAVE <u>ω</u>5 TO THE P.O.B., BEING AND LYING IN SECTIONS HAVING A RADIUS OF 17320.74 FT.; SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30", TO THE SOUTHWEST, HAVING A RADIUS SOUTH, RANGE 18 EAST, CONCAVE TO THE SOUTHWEST, ALONG SAID R/W, THROUGH A CENTRAL ANGLE ANGLE OF 14°36'40" SAID CURVE; THENCE N 89°41'33" W, TO THE P.C. OF A CURVE, CONCAVE TO THE TO THE ALONG SAID LIMITED ACCESS **F**. 70; AND THE ARC OF SAID SAID R/W, ANGLE THENCE N 66°31'12" H, ALONG SAID LIMITED ACCESS R/W, AND TO THE P.R.C. OF ANGLE SOUTHWEST, HAVING A RADIUS OF SAID LIMITED ACCESS SOUTHWEST, HAVING A MANATEE COUNTY, FLORIDA CURVE; THENCE N 70°20'03" THENCE WESTERLY, THROUGH A CENTRAL ANGLE OF 1493.76 OF 17°32'01" OF 06°28'53", STATE ROAD NO 70, D.O.T OF 42°16'38", HAVING A RADIUS OF 76.82 THENCE NORTHWESTERLY, LIMITED ACCESS 유 17056-74 899.24 FT. ALONG SAID R/W, D.O.T. ALONG SAID ALONG SAID

CONTAINING 1136.95 ACRES.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD,

STATE OF FLORIDA

MANATEE COUNTY

the ( I, R. B. Shore, (County of Manatee t the foregoing is Clerk of e, State s a true of the Circuit of Florida, copy of:

RESOLUTION GRANTING A DEVELOPMENT ORDER

(DRI # 11, TARA, LTD)

Approved by the Manatee County Board of Commissioners in open session

13th day of November 1980

WITNESS My Hard and d Offical 1980 in Seal this Bradenton, Florida. 13th

R.B. Shore, Clerk of Circuit Court Manatee County, Florida

## COUNTY OF MANATEE, STATE OF FLORIDA

日 码: APPLICATION FOR DEVELOPMENT APPROVAL OF DEVELOPMENT OF REGIONAL IMPACT BY TARA, HH.

DRI #11

### CERTIFICATE OF SERVICE

St. 32301, Granting Florida, Bradenton, Community Affairs, ceedings, Commissioners Development the Petersburg, Pursuant 8 Applicant by mail this the 17th day of November, 1980. D it the Tampa Bay Florida 33505 as the attorney Development . 'A is hereby certified that a certified copy of said Resolution of Manatee County, Order to the provisions Ö Florida 33702, TARA, Drawer 9480, Bradenton, Florida 33506, 2571 adopted November Order has Ltd., Executive Center Circle East, Regional Planning Council, and to William R. to Dewey A. 0f been Florida, paragraph 9 of the 13, served upon 1980, for the Intervenor in the above-identified pro Dye, by the Jr., Lisch, the 9455 of Dye, Tallahassee, Florida Department of Board of Resolution Granting 518 Koger Boulevard, as 13th City the attorneys Cleary, County Street West of. Florida Bradenton, Scott

#### S E. N. FAY, JR.

of Mann and Fay, Chartered
P. O. Box 959
Bradenton, Florida 33506
813/747-3761
Attorneys for County of Manatee, Florida

## COUNTY OF MANATEE, STATE OF FLORIDA

IN RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A DEVELOPMENT OF REGIONAL IMPACT BY TARA, LID

DRI #11

### CERTIFICATE OF SERVICE

William R. Lisch, 519 13th Street West, the attorney for the Intervenor City of Bradenton, Florida by mail, this Florida 33506, as the attorneys for the Applicant, TARA, LTD., and upon A. Dye, Jr., of Dye, Cleary, Scott & Deitrich, P. O. Drawer 9480, Bradenton, 33702, as the attorney for said Regional Planning Council, upon Dewey 33702, upon Roger S. Tucker, 9455 Koger Boulevard, St. Petersburg, Florida Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida Executive Center Circle, East, Tallahassee, Florida 32301, upon the Tampa has been served upon the Florida Department of Community Affairs, 2571 copy of said Resolution Amending Resolution Granting A Development Order above-identified proceedings, it is hereby certified that a certified Commissioners of Manatee County, Florida, on December 23, 1980, in the Resolution Granting A Development Order adopted by the Board of County 5 1/2 day of Pursuant to the provisions of paragraph 2 of the Resolution Amending 221112 \_, 198\_/\_. Bradenton, Florida 33505, as

/s/ E. N. FAY, JR.

of Mann and Fay, Chartered
P. O. Box 959
Bradenton, Florida 33506
813/747-3761
Attorneys for Manatee County, Florida

RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A DEVELOPMENT OF REGIONAL IMPACT BY TARA, LIT.

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nor #11

# RESOLUTION AMENDING RESOLUTION GRANTING A DEVELOPMENT ORDER

1980, WHEREAS, this Ltd., Board a Resolution Granting and of County Commissioners A Development for the above-identified Order was adopted November DRI #11

Commissioners on Tampa Bay Regional Planning Council hereinafter WHEREAS, representations were set December 23, 1980, forth. made that at a on behalf meeting of this Board of County said parties consented to the amendof TARA, Ltd., and

Manatee County, Florida, that: THEREFORE, BE IT RESOLVED by the Board of County Commissioners of

the Resolution Granting following: Section V "Roadway Improvements", A Development Order is Paragraph 6 on hereby amended by adding thereto page 15 of said

the State Road 70. developer III, portion of the Development Approval. Approval and this Development Order will then transportation portion of Prior submitted to reviewed Florida a transportation study will be made by the 6 issuance Planning to evaluate 'n Statutes accordance Application the County and the Tampa Bay The results of Council of building impacts The with the as For transportation revisions of the project on permits Application For this study will Development Chapter for 6 Phase

Affairs, certified copy hereof record in these proceedings for TARA, the Tampa Bay Regional Planning Council The County Attorney to be served upon the Florida Division of Community is hereby authorized and directed to cause Ltd., and the City of Bradenton and upon the attorneys of a

ADOPTED, with a quorum present and voting, this the 23rd day of December, SHORE

Clerk of the Circuit Court

BOARD OF COUNTY, COMMISSIONERS OF MANATEE COUNTY, FLORIDA

1980.

Chairman blace

#### **ORDINANCE 97-25**

MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 96-31, DRI #11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County an Application for a Notice of Proposed Change (NOPC) for a Development of Regional Impact (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff,

Section empowered to consider whether or not the NOPC constitutes a Substantial Deviation pursuant to Section 380.06 (19), Florida Statutes; and WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and

published; and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on July 11, 1996 and July 17, 1996 and before the Board of County Commissioners of Manatee County, Florida on July 25, 1996, August 22, 1996, and January 28, 1997; and

and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County is report and recommendations on the regional impact of the development; and

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

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

County, Florida, that the Board makes the following findings of fact: NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee

- such publication has been duly filed in these proceedings. 1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of A Notice of Public Hearing in these proceedings was
- described in Section 3, The real property involved in this development is located in Manatee County, Florida and **≦**
- 3. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
- (a) is not located in an area of critical state concern, and
- 6 development plan applicable to the area; does not interfere with the achievement of the objectives of any adopted state land
- (c) is consistent with local land development regulations; and
- <u>a</u> proceedings, and is recommendations of the Tampa Bay Regional adequately addresses the consistent with that report concerns of regional Planning impact stated in Council on the file report these and