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R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

**ORDINANCE 98-49
DRI #13 CREEKWOOD INVESTORS, LTD. JAN 5 10 30 AM '99
DEVELOPMENT ORDER**

GRANTING AMENDMENTS TO AND REPLACING RESOLUTION R-85-219, AS AMENDED BY RESOLUTION R-86-112, AS AMENDED BY RESOLUTION R-93-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI #13, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI # 102); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on October 22, 1985 Manatee County adopted Resolution R-85-219 granting Creekwood a DRI Development Order; and

WHEREAS, on May 20, 1986 Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993 Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on July 7, 1998 Creekwood filed a Notice of Proposed Change (amended on September 18, 1998) to the approved Development Order with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 206 Florida Statutes; and

WHEREAS, said Notice of Proposed Change proposed to:

- A. Exchange the land use designation identified in Parcel G (General Commercial) with Parcel O-1 (Office),
- B. Increase the total commercial floor area by 69,500 square feet and area by 2.3 acres,

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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- C. Decrease the total office floor area by 44,000 square feet and land area by 2.3 acres,
- D. Decrease the total residential development by 500 units,
- E. Change the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial,
- F. Change the designation of Parcels C-1, C-2, and O-1 and combine them to a redesignated Parcel C; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the application of the Notice of Proposed Change and has filed a recommendation on said application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County has on December 15, 1998 held a duly noticed public hearing on said application for the Notice of Proposed Change, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county and city agencies, and the applicant, the Tampa Bay Regional Planning Council, the Department of Community Affairs, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 15TH DAY OF DECEMBER, 1998, AS FOLLOWS:

SECTION 1. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 13, R-85-219.

The previous development order for Creekwood, which was adopted on October 22, 1985, and all subsequent amendments are hereby replaced in their entirety, 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 previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the Notice of Proposed Change to the DRI as it relates to the real property described in Exhibit "A" of this Ordinance, pursuant to Section 380.06, Florida Statutes. The ordinance was rendered on December 15, 1998, following the public hearing.
- B. That said Board of County Commissioners held a public hearing on December 15, 1998 regarding said Notice of Proposed Change to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and Ordinance No. 97-01 (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.
- C. The proposed Change to the DRI regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 97-01 (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.
- D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.
- E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- F. The authorized agent for the Project is Cheryl L. Semon, and her address is 7110 Fairway Bend Lane #286, Sarasota, Florida 34243.
- G. The owner of the property, is Creekwood Investors, Ltd.
- H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

- I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:
 1. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan, and Ordinance 97-01 (The 2020 Manatee County Comprehensive Plan, as amended).
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, TBRPC, other participating agencies, and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order.
- D. That the impacts caused by the amendment to Resolution R-93-25 as described herein in Section 4 and which were requested in the Notice of Proposed Change do not constitute a Substantial Deviation.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application for a Notice of Proposed Change to the Creekwood DRI is hereby approved, amending the previous Development Order and it's amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

- A. Amending Map H to:
 1. Exchange the land use designation identified in Parcel G (General Commercial) with Parcel O-1 (Office),
 2. Increase the total commercial floor area by 69,500 square feet and land area by 2.3 acres,

3. Decrease the total office floor area by 44,000 square feet and land area by 2.3 acres,
4. Decrease the total residential development by 500 units,
5. Change the land use designation for Parcels C-1 and C-2 from "Highway Tourist Oriented" General Commercial to General Commercial, and
6. Change the designation of Parcels C-1, C-2, and O-1 and combine them to a redesignated Parcel C,

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state or federal regulations:

- A. 2,305 dwelling units
- B. 497,000 square feet of commercial
- C. 2,000,000 square feet of industrial
- D. 140,000 square feet of office

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING CONDITIONS

1. Revise as follows: The developer shall comply with the deadlines contained in the revised phasing schedule which are listed below.

Phasing By Parcel Reference

RESIDENTIAL					
PARCEL	NUMBER	PHASES			
UNITS	I COMPLETED*	II 3/16/93* - 9/16/97*	III 9/16/96* - 9/16/2002*	IV 9/16/1998* - 9/16/2004*	
PH I SUB I	322	322			
G-I	39		39		
CC	85		85		
AA I	90		90		
AA II			233		
T	283			283	
S	341				341
Y	167			167	
A	104				104
B	67				67
U	132			132	
Z	337			337	
C	105			105	
TOTAL	2,305	322	447	1,024	512
COMMERCIAL					
PARCEL	SQUARE FEET				
C	422,000		190,000	187,000	45,000
C-4	20,000	7,900	12,100		
C-5	20,000		20,000		
C-6	20,000		20,000		
C-7	15,000		15,000		
TOTAL	497,000	7,900	257,100	187,000	45,000

INDUSTRIAL					
PARCEL	SQUARE FEET				
PH I SUB II	541,300	150,000	350,000	41,300	
I-9	950,000		150,000	300,000	500,000
H	350,000			130,000	220,000
I-10	158,700		158,700		
TOTAL	2,000,000	150,000	658,700	471,300	720,000
OFFICE					
G	77,000		17,000	60,000	
C	63,000		4,000		59,000
TOTAL	140,000		21,000	60,000	59,000

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase. Any Final Site Plans submitted after 9/16/2005 shall fully comply with all provisions of the Comprehensive Plan then in effect. A revised preliminary site plan application for Parcel C, which includes Phase II development square footage may be submitted for approval after the effective date of this Ordinance, provided however, that any revised preliminary site plan shall be consistent with all provisions of this ordinance and shall expire 9/16/2000.

- The developer shall submit a revised transportation analysis with any request for project extension. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a substantial deviation pursuant to Section 380.06 Florida Statutes.

PHASING BUILD OUT SCHEDULE

- 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, Florida Statutes, purposes only and does not serve to extend the dates for preliminary or final plans submittal as referenced in the Project Phasing Condition or compliance with the Comprehensive Plan.

Phase I	1986-1996
Phase II	1993-2003
Phase III	1996-2006
Phase IV	2001-2009

2. 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 which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre. Maximum density for all other parcels shall be as noted on the General Development Plan.
2. At the time of preliminary site plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as entranceway requirements, aesthetic appearance from State Road 70 and Interstate 75, ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.
3. Light manufacturing, high tech industries, office parks, and major product supply and distribution centers are the primary uses proposed within the industrial park. Secondary uses, such as hotels/motels, service stations, service establishments, and mini-warehouses shall occupy no more than 10% of the PDI district. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, which have not received either a preliminary plan or preliminary plat approval prior to the effective date of Resolution R-93-25, must employ Best Possible Technology so that such uses will not be contrary to the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of General Development Plan or General Development Plan/Preliminary Site Plan approval and shall be shown on the plan and/or plat for consideration and approval by the Board of County Commissioners.
4. All buildings, parking, and service areas within the 10.8 acre PDI parcel located at the northeast quadrant shall maintain a minimum setback of 100 feet from State Road 70 and Interstate 75. All trash and garbage receptacles that are visible from State Road 70 shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks and/or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to Interstate 75, and State Road 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.
5. The linear park, located east of and parallel to I-75, shall maintain a minimum upland width of 20 feet at all locations. All industrial development shall maintain a minimum building setback of 30 feet and a minimum setback of 20 feet for all other site improvements from the park. A stabilized pedestrian/bicycle travelway, a minimum

width of 6 feet, shall be installed within the length of the park prior to the next Final Plat approval east of Interstate 75. The pedestrian/bicycle travelway shall be as shown on the revised Master Development Plan and connect to the main north/south roadway within the industrial area at a point immediately adjacent to State Road 70 and at a point perpendicular to the northern terminus of the park. The park and the pedestrian/bicycle travelway shall be designated as a common recreational easement on all future plan/plat submittals.

6. The developer shall be allowed to construct a total of ~~2,805~~ 2,305 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Master Development Plan.

BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the General Development Plan, shall be provided as shown on the General Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.
2. A building setback of at least ten (10) feet shall be provided west of and adjacent to the existing power line easement traversing the PDI (Planned Development Industrial) District. This setback shall be increased to twenty (20) feet for industrial lots which are directly west of the proposed multi-family tract located in the Rosedale development. Native trees lying within the remaining buffer shall not be removed. Trees of a native species shall be planted in those areas where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.
3. 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 60 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 contour must meet the sound levels identified by the EPA as sufficient to

protect public health and welfare (see Table on Pg. 21). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

ENVIRONMENTAL CONDITIONS

1. At the time of the first Preliminary Development Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect of the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though it may have been approved by the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process.
2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.
3. In conjunction with the submittal of the first Preliminary Development Plan, a demonstration of compliance with the Watershed Protection, Special Treatment and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction.
4. The Stormwater Maintenance Plan, submitted with the first Preliminary Development Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.
5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

All development on parcels I-10 and H shall comply with the wetland policies of the 1990 Land Development Code, as amended. All other parcels, which receive a

Preliminary Site Plan approval after the effective date of this resolution, shall, at a minimum, comply with the following wetland policies:

- a. A conservation easement, 20 feet wide, shall be provided from the most landward extent of any post development jurisdictional wetland. A 15 foot setback shall be required between the upland edge of the buffer and adjacent structures.
 - b. Wetland mitigation shall comply with Policy 3.3.1.3 of the Comprehensive Plan.
6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands and/or a different upland community type.
 7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's adopted Future of the Region.
 8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.
 9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:
 - a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached).

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);

- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Environmental Management Department, and TBRPC.

- b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June-September) and the dry season (November-February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.
2. In order to protect water quality, the following parameters shall be included in the project drainage plan.
 - a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - proposed wetland/lake alterations;
 - control of exotic species;
 - control of on-site water quality
 - maintenance of natural hydroperiod; and
 - methods for wetland restoration/enhancement.
 - b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first 1" of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.
 - c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:

- (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
- (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.
- (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- (5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.
- (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.
2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and
- b. Indicates the location of the specially-designed hazardous waste and materials containers; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. All park areas within the project shall be open to use by employees who work in the non-residential components of this project.
2. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.
3. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.
4. The entity responsible for maintenance of all open space areas of this development has been identified in the ADA. Assignment of specific responsibility for open spaces shall be made at the time of Preliminary Site Plan submittal.
5. The 25 acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended.

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the county constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with final site plan or final plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement.

The Developer shall have the right to relocate the right-of-way and/or constructed road at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.
2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.
3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on State Road 70 and to the intersection of State Road 70 and I-75. Such improvements shall include, but not be

limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Engineer with the review of each phase.

2. Developer shall provide for a 120 foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto. Sufficient right-of-way to construct the bridge approach shall be dedicated, but the developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.
3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to final plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and constructed prior to the first Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of State Road 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6.
5. The proposed entrance onto State Road 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function.
6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto State Road 70 shall be located as far from State Road 70 right-of-way as necessary to avoid conflict with regard to intersection function.
7. All roads shown on the General Development Plan, including required stub-outs to the property boundary, shall be dedicated to Manatee County with adequate rights-of-way as determined by the County Engineer.
8. A road stub-out shall be provided to the eastern boundary of the PDI parcel to connect with the proposed emergency access which was required with the Rosedale development.

9. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.
10. The proposed owner's association documents shall contain a provision requiring the occupants of the industrial park to coordinate shift changes to reduce peak hour traffic.
11. In accordance with Policy 9-1.C of the Manatee Plan, daily Level of Service "C" and "D" at peak hours as determined by the Highway Capacity Manual (1965) and Highway Circular 212, or most current manual, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:
 - a. University Parkway from Lockwood Ridge Road to I-75
 - b. State Road 70 from U.S. 41 to I-75
 - c. Lockwood Ridge Road from University Parkway to State Road 70
 - d. State Road 64 from Morgan Johnson Road to I-75
 - e. I-75 from University Parkway to State Road 70
 - f. State Road 780 from Honore Avenue to I-75
 - g. Intersection of State Road 70 and State Road 683
 - h. Intersection of State Road 70 and 45th Street East
 - i. Intersection of State Road 70 and Caruso Road
 - j. Intersection of State Road 70 and U.S. 301
 - k. Intersection of State Road 64 and Morgan Johnson Road
 - l. Intersection of State Road 70 and the Project Entrances
 - m. Intersection of State Road 70 and I-75
 - n. Intersection of State Road 70 and U.S. 41

No plat or site plan shall receive approval if the approval of such plat or site plan would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on these road links and intersections to a daily level below C or D at peak hour as determined above, or, if a lower level has already been reached prior to the commencement of phase I, any degradation of that level of Service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in this paragraph and stipulation #15 of the general conditions contained herein. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes and stipulation #15 of the general conditions contained herein. If any traffic study required above for any phase shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of State Road 70 between State Road 683 and U.S. 301, then that phase shall not be approved unless the improvements necessary to achieve a Level of Service D on that segment is under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under stipulation #14 of the general conditions contained herein.

12. Access to the project shall be as shown on the Revised Map H.
13. A cross-access easement plan for parcels within the development which do not have access to a road shown on the revised Master Development Plan (AA-2, B, O-1), shall be approved by Manatee County prior to or concurrent with the preliminary site plan, or preliminary subdivision plat, for those parcels.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire and EMS service with each Preliminary Development Plan submittal.
2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.

3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.
4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.
5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.
6. The development of this project shall proceed in accordance with the information plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and General Development Plan approval, except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.
7. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules and regulations under its jurisdiction, consistent with the approval hereby granted.
8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional and/or more detailed stipulations, conditions and requirements to be formulated and applied at later stages of review of this project under local procedures.
9. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal, and by reference to the record of the hearings before these bodies.
10. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations and by any subsequently established stipulations.
11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the Land Development Code or other applicable law.

12. The terms "fair share" and "pro-rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that reflects as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the Public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.
13. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.
14. In the event the County or other government entity with jurisdiction in the matter establishes impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.
15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of Resolution 85-219 (October 22, 1985) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of the Manatee County Planning Department who shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. The Developer shall be notified of any Board of County Commissioners 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:
 - a. 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(16), Florida Statutes;

- b. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
 - c. A summary comparison of development activity proposed and actually conducted for the reporting year;
 - d. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
 - e. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;
 - f. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;
 - g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;
 - h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and
 - j. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.
 - k. Failure to file an annual report as provided within shall suspend any further development.
16. All references made in Ordinance 98-49 to a conceptual development plan shall hereinafter refer to revised Map H, as amended herein.
17. Any parcel for which Preliminary Site Plans are submitted after September 16, 2004 or a Final Site Plan is submitted after September 16, 2005, shall comply with the requirements of the 1990 Land Development Code, as amended. 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.

18. The Developer shall include in each Notice to Buyer for any property sold east of Interstate 75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.
19. If the Development Order is appealed by the DCA, the Developer shall pay all costs and fees of County staff and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Planning Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DCA, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.3 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.
3. The following are hereby incorporated by reference and made a part of this Development Order:
 - A. The "Application for Development Approval" together with supporting documents submitted by CREEKWOOD.
 - B. The Application for a Notice of Proposed Change.

- C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.
- D. The Ordinance amending the July 10, 1985 rezone which has an approval date of April 22, 1993.
- E. The Ordinance amending the April 22, 1993 resolution which has an approval date of December 15, 1998.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to September 16, 2007, unless the County can demonstrate that:

- (a) substantial changes in the conditions underlying the approval of the Order have occurred; or
- (b) the Order was based upon substantially inaccurate information provided by the Developer; or
- (c) the change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Order within thirty (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 12. NOTICE OF RECORDING

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

SECTION 13. SEVERABILITY

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

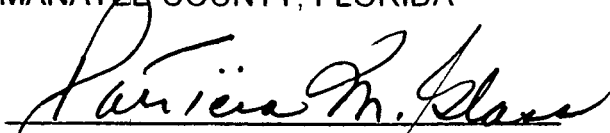
SECTION 14. EFFECTIVE DATE

This Ordinance 98-49, shall take effect upon being signed by the Chairman of the Board of County Commissioners of Manatee County, the receipt of an official acknowledgment from the Department of State, and the expiration of any appeal period, which date shall be the effective date of this Ordinance or the effective date of this Development Order as the terms may be used herein.

ADOPTED AND APPROVED with a quorum present and voting the 15th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:

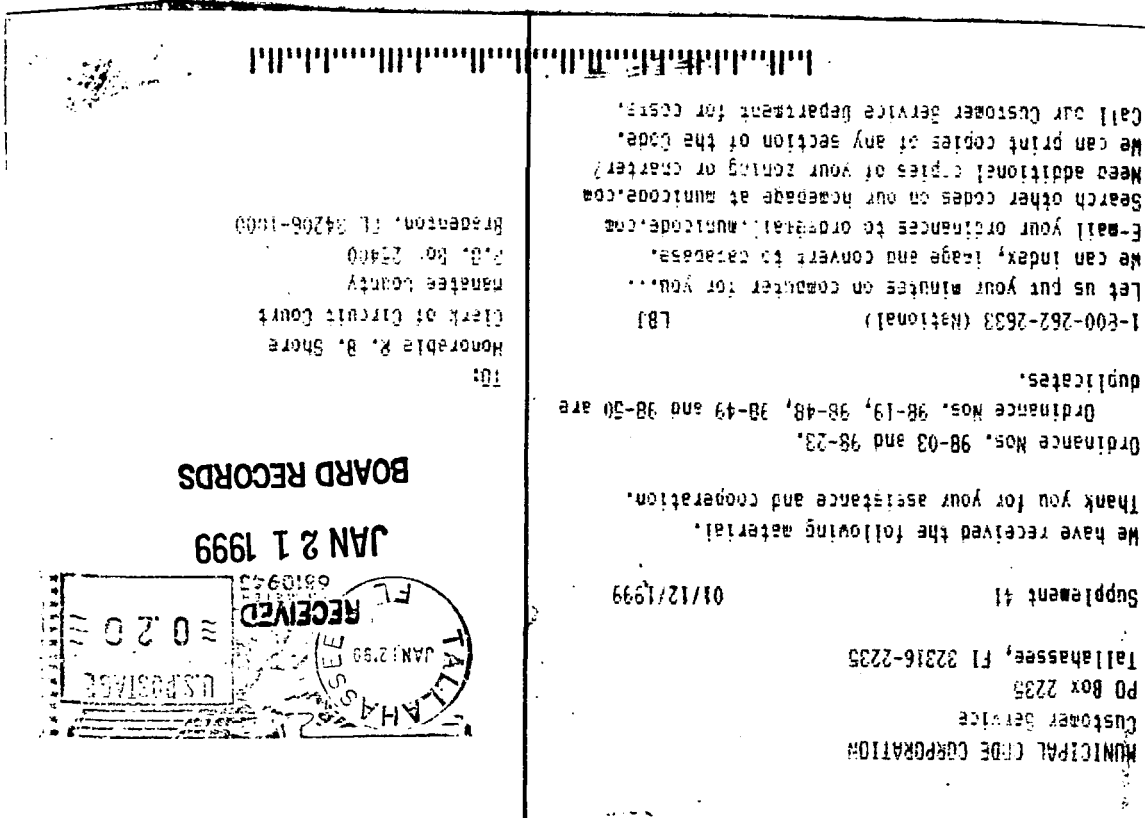

Chairman

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



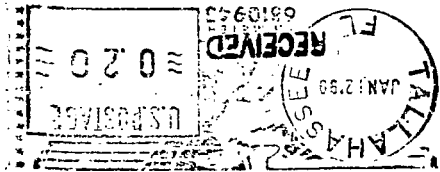
EXHIBITS A AND B

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED RESOLUTION R-93-25, APPROVED ON APRIL 22, 1993.



BOARD RECORDS

JAN 2 1 1999



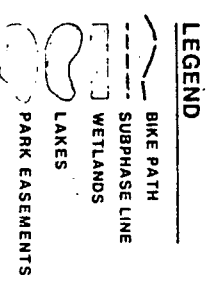
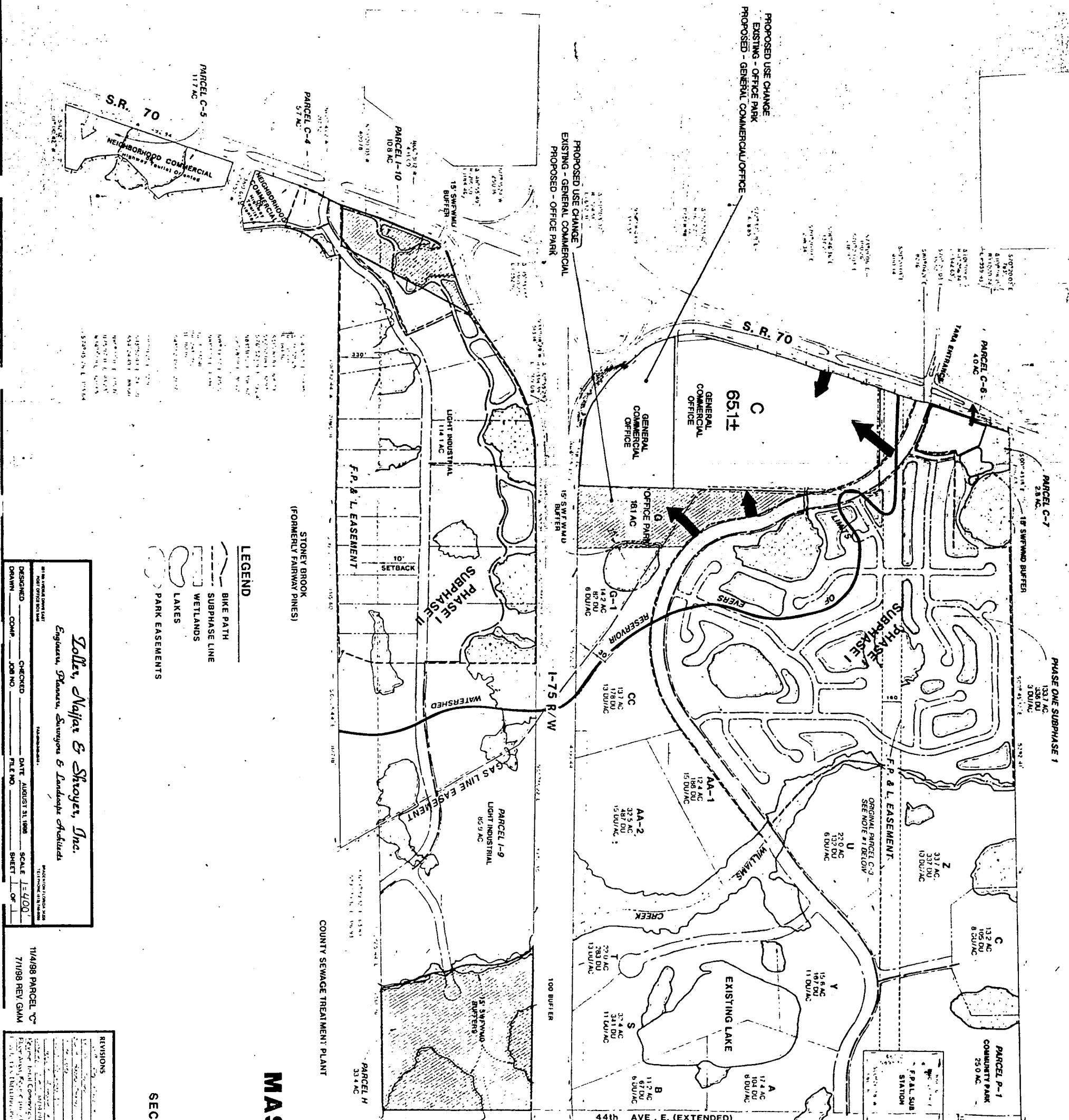
Honorable R. B. Shore
 Clerk of Circuit Court
 Manatee County
 P.O. Box 23400
 Bradenton, FL 34206-1000

Supplement 41
 01/12/1999
 We have received the following material.
 Thank you for your assistance and cooperation.
 Ordinance Nos. 98-03 and 98-23,
 Ordinance Nos. 98-19, 98-48, 98-49 and 98-50 are
 duplicates.

MUNICIPAL CODE CORPORATION
 Customer Service
 PO Box 2235
 Tallahassee, FL 32316-2235

1-800-262-2633 (National)
 LBJ
 Let us put your minutes on computer for you...
 We can index, merge and convert to database.
 E-mail your ordinances to ordstat@municode.com
 Search other codes on our homepage at municode.com
 Need additional copies of your zoning or charter?
 We can print copies of any section of the code.
 Call our Customer Service Department for costs.

cc: Barb Inler @ BCC
 Joanne Zahres @ planning
 Municipal Code
 1/6/99 e



Engineers, Planners, Surveyors & Landscape Architects
Soller, Naylor & Strayer, Inc.
 1714/98 PARCEL C-7
 7/1/98 REV. GMM

REVISIONS	DATE	BY	DESCRIPTION

LOMBARDO & SKIPPER, INC.
 Consulting Engineers, Surveyors & Planners
 P.O. Box 188 • 825-4th Street West • Palm Bay, Florida 32909 • (888) 722-4561 • 788-6600
 PROJECT ENGINEER: ROBERT J. LOMBARDO
 DESIGN: DRAMAN
 DATE: 12/01/90
 SCALE: 1" = 400'
 SHEET NO. 4

REVISIED
MASTER DEVELOPMENT PLAN
FOR
CREEK WOOD
 SECTION 11, 12, 13, & 14, TWP. 35 S. RGE. 18 E.
 Manatee County, Florida
 DEC 01 1998



LAND USE	ACRES	UNITS	ACRES	UNITS	ACRES	UNITS
RESIDENTIAL	124.4	258	211.7	701	211.7	1305
RESIDENTIAL	145.7	748	33.7	462		
RESIDENTIAL	235.2	1745	83.7	905	162.3	1,000
RESIDENTIAL	150.3	1330	44.9	737		
COMMERCIAL	68.1	435,000 SF	67.0	421,500 SF	89.3	497,000 SF
LT. INDUSTRIAL	200.0	2,000,000 SF	244.2	2,000,000 SF	244.2	2,000,000 SF
OFFICE PARK	18.4	164,000 SF	18.4	184,000 SF	16.1	140,000 SF
ROADS/OPEN SPACE/BIKEWAYS	109.0'		69.7'		69.7'	
PARKS	38.9		25.0'		25.0'	
TOTAL	1090.0	4081	818.3	2805	918.3	2305
GROSS DENSITY	3.74 DU/AC		3.4 DU/AC		2.8 DU/AC	

NOTE: ADDITIONAL OPEN SPACE WITHIN PARCELS NOT INCLUDED IN THIS AVERAGE
 NOTE: MINIMUM 24.7 AC ADDITIONAL PARK AREA PROPOSED IN LIGHT INDUSTRIAL PARCELS.
 NOTE: REVISION TO PROJECT CHECKED BASED ON 1989 SURVEY BY LOMBARDO & SKIPPER
 NOTE: THE 89.3 ACRES CONTAIN 184 ACRES OF GENERAL COMMERCIAL/OFFICE AND 70.9 ACRES OF COMMERCIAL.