

DRI #13  
TBRPC #102

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RESOLUTION #R-85-219  
RESOLUTION GRANTING AN AMENDED DEVELOPMENT ORDER

WHEREAS, CREEKWOOD, LTD., hereinafter referred to as "CREEKWOOD", in accordance with Section 380.06, Florida Statutes, has filed with Manatee County an Application for Development Approval (ADA) of a Development of Regional Impact (D.R.I. #102); and

WHEREAS, CREEKWOOD proposes to develop a planned development residential (PDR) of dwelling units with associated recreational and commercial activities, a planned development commercial (PDC) and a planned development industrial (PDI) upon real property located in Manatee County, Florida and owned by CREEKWOOD, LTD. as described in attached Exhibit "A" and made a part hereof; 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 consider Applications for Master Development Approval of Development of Regional Impact; and

WHEREAS, pursuant to Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and Section 380.06(7), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, a public hearing in these proceedings was held on February 13, 1985, February 27, 1985, and March 20, 1985 before the Manatee County Planning Commission and April 4, 1985, April 18, 1985, May 30, 1985, June 20, 1985, July 1, 1985, and July 10, 1985 before the Board of County Commissioners of Manatee County, Florida; 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(11), 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

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

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

WHEREAS, said Board of County Commissioners, having adopted a Development Order on August 27, 1985, considering all of the foregoing, considering a request for clarification from the Department of Community Affairs and being fully advised and informed in the premises;

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

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(10) Florida Statutes, and Section 401F, Manatee County Comprehensive Zoning and Land Development Code, and proof of such publication has been duly filed in these proceedings.
2. The real property involved in this development and owned by CREEKWOOD, LTD. is located in Manatee County, Florida and is described on attached Exhibit "A", and made a part hereof.

3. Upon consideration of all matters in Sections 380.06(12) and 380.06(13), Florida Statutes, and the Manatee County Comprehensive Zoning and Land Development Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the CREEKWOOD development described in the Application:

- a. is not located in an area of critical state concern, and
- b. does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
- c. is consistent with local land development regulations; and
- d. adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated January 18, 1985 on file in these proceedings, and is consistent with that report.

BE IT FURTHER RESOLVED, by the Commission, as conclusions of law, that the proceedings have been conducted pursuant to the provisions of the Manatee County Comprehensive Zoning and Land Development Code, and Chapter 380, Florida Statutes, and that CREEKWOOD has sustained and proved all the material allegations and assertions made in the Application and, subject to the conditions, restrictions, and limitations hereinafter set forth, CREEKWOOD is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants CREEKWOOD Application for Development Approval for a Development of Regional Impact (D.R.I. #102), subject to the following conditions:

**PROJECT PHASING CONDITION**

1. Creekwood shall have two years from the date of Conceptual Development Plan Approval to submit the Preliminary Development Plan for Phase I. Preliminary Development Plans for additional phases will be submitted within a maximum of five year increments.
2. The developer shall submit a revised transportation analysis with any request for project extension which will individually or in combination with previous extensions delay any portion of the phasing schedule set forth in the ADA by more than four years. 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 Chapter 380.06 F.S.

**LAND USE CONDITIONS**

1. Development within the Evers Reservoir Watershed shall be restricted to a maximum density of five dwelling units per acre.
2. Maximum heights permitted within the project shall be as follows:
  - a. Neighborhood Commercial in PDR - 1 story
  - b. Apartments - 6 stories
  - c. All other residential uses - 3 stories
  - d. Commercial uses in the PDC & PDI - 40 feet
  - e. Office buildings/hotels - The maximum height for office buildings and hotels shall be determined at the time of Preliminary Development Plan approval.
1. Industrial/warehouse - 40 feet
3. The placement of on-site commercial signs, which exceed 30 feet in height, shall be limited to one each for the five commercial/office areas identified on the Conceptual Development Plan as parcels C-1, C-2, C-4, C-5 and O-1. The size and location of each of these signs must be identified on the approved sign plan which shall be submitted at the time of Preliminary Development Plan review.

4. At the time of Preliminary Development Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District including, but not limited to, such concerns as aesthetic appearance from State Road 70 and I-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.
5. 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% (20 acres) of the PDI District. Heavy manufacturing establishments and other similar intensive uses will require approval by the Manatee County Board of County Commissioners.
6. No dwelling units shall be permitted in parcels J and K identified on the Revised Master Development Plan (Map H dated June 18, 1985). The one density unit per acre identified for these parcels shall be transferred to other parcels within the development. These parcels shall remain as open space, but may be developed to serve the parks and recreational needs of this development.

#### BUFFER CONDITIONS

1. The 100 foot wide buffer, shown on the Conceptual Development Plan, shall be provided as shown on the Conceptual Development Plan. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Development 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 50' shall be provided west of and adjacent to the existing power line easement traversing the PDI District. Native trees lying within fifty feet (50') of this easement shall not be removed and where trees closer than 25 feet apart do not already exist, trees of a native species shall be planted in an attractive manner.
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 Planned Development 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 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 the guidelines in the Evers Reservoir Watershed Management Study (Smith and Gillespie, November 1982 or as hereafter revised) or any other guidelines adopted by the County prior to Final Development Plan approval. The design shall incorporate Best Management Practices, be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity) and seek to maintain water quantity contributions to the Braden River.
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 buildout. 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 Federal and/or State environmental permits are obtained for such activities or alteration of marginal wetland areas where mitigative measures will substantially outweigh the effects of the activities.
6. The Preliminary Development 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 developed in the ADA, shall be required.

#### WATER QUALITY

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 ground-breaking 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 C" (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/DER Quality Control standards and should be submitted to Manatee County Planning Department, Manatee County Pollution Control 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, pickerelweed, 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 CONDITION

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. 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.

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-designated containers;
- b. Indicates the location of the specially-designated 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 Development 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.
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 Development Plan submittal.

**PUBLIC EDUCATION CONDITIONS**

1. All impacts of every portion of this development upon school facilities and the extent of the needs therefor to be generated by each portion of this development, shall be identified at the time of the Preliminary Development Plan submittal, by the developer, using methodology acceptable to and utilized generally by the School Board. The developer shall fully offset the impacts so identified by a pro-rata contribution to the cost of obtaining land for school facilities in the Southeast area.
2. The School Board of Manatee County may determine, upon consideration of the impacts of this development and the needs anticipated as a result of other development approvals, that a certain type or types of public school facilities that would serve this development are needed in this part of the County. Once the School Board has made such a determination and can demonstrate a present ability and intention to provide such facilities, in cooperation with this development or otherwise, development scheduled to occur thereafter, and the timing thereof, shall coincide with the prior or anticipated completion of such facilities.

**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. In the event impact fees are not available to the Braden River Fire Department, the developer shall nevertheless make equivalent payments to the Fire District for each dwelling unit and for non-residential square footage.
3. 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.
4. All streets shall be numbered in accordance with the revised County grid system currently under consultant contract by the County.

**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 E (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 1600 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 with development of parcel A, B, E, DD, CC, or C-3. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
4. A road shall be constructed to connect parcel 0-1 with the western project boundary where its alignment shall be designed to match the

frontage road planned for the Campbell Commercial Center. Additionally, a road shall be constructed through parcel C-5 connecting the major industrial park entrance with the eastern project boundary. These roads shall be constructed within a dedicated right-of-way or public access easement.

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 Conceptual 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. The proposed road stub-out to the west property line shall be relocated approximately 500 feet north of its proposed location on the Conceptual Development Plan.
9. 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 Fairway Pines development.
10. The proposed road connecting the PDI parcel to 44th Avenue East (Cortez Road Extended) shall be designed to provide adequate buffering of the non-residential traffic from adjacent residential development.
11. Prior to the development of any of parcels I, L, M or R, the proposed route to State Road 64 via Lena Road from the subject project shall be improved to County standards or to the specification of the County Engineer, where insufficient rights-of-way exist.
12. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Development Plan submittal.
13. 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.
14. In accordance with Policy 9-1.C of The Manatee Plan, daily Level of Service "C" & "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 (5%) percent 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 circumstances 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 (10%) percent 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.

**OFF SITE FACILITY DEVELOPMENT FEE**

**1. Definitions**

- a. "Administrative Costs" shall mean the additional and non-refundable fee charged to the Agent by the County for the processing of off-site facility development fees collected pursuant to these stipulations.
- b. "Agent" shall mean the designee of the Developer for the purpose of payment and/or reimbursement of the off-site facility development fees created by these stipulations.
- c. "Board" shall mean the Board of County Commissioners of Manatee County, Florida.
- d. "Building Permit" shall mean any building or construction permit required under the Manatee County Building Code.
- e. "Certificate of Occupancy" shall mean a document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable County codes and ordinances.
- f. "Commercial Unit" shall mean those businesses, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups.
- g. "County" shall mean the County of Manatee, a political subdivision of the State of Florida.

- h. "Developer" shall mean and shall be deemed to include any individual, corporation, governmental agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity which undertakes the development of land in Manatee County, Florida.
  - i. "Development" shall mean and shall be deemed to include the use of land for the construction of new residential units, new commercial units, or new industrial units; the reconstruction of commercial units or industrial units; and additions to existing commercial units or industrial units.
  - j. "Industrial Unit" shall mean those uses whose activities which predominately engage in the assembly, finishing, processing, packaging, manufacturing and/or storage of products.
  - k. "Latest Available Data" shall mean the amount of the off-site facility development fees established by approved vote of the Board and shall be deemed to include figures generated to anticipate impact upon transportation, emergency medical services, parks and recreation, and solid waste facilities, by a means acceptable to and generally utilized by Manatee County, Florida.
  - l. "Off Site Facility Development Fees" shall mean and shall be deemed to include a special assessment for the benefit of the properties whose need is generated by new growth and development of such assessed properties.
  - m. "Residential Unit" shall mean a dwelling unit and shall exclude accessory uses designed solely for the benefit of subdivision residents.
2. The Developer, his successors, assigns and/or transferees, shall be bound by these stipulations, by an Impact Fee Ordinance when adopted and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.
  3. Developer, prior to the transfer, sale, or other conveyance of interest in the development, shall obtain the written consent of each transferee, buyer, or other recipient of any other conveyance of interest in the development to be bound by the terms of these stipulations, a subsequent impact fee ordinance and any other applicable local or state law. Developer shall provide the document of written consent to the County and shall record copies of the same with the final plat documents. Further, Developer may be required to provide notice or written consent to be bound by these stipulations on the face of the plat linen.
  4. At the time of Preliminary Development Plan approval, all impacts of every portion thereof upon public facilities shall be identified by the developer in accordance with guidelines and methods acceptable to the County, Tampa Bay Regional Planning Council and the Department of Community Affairs and shall be assessed and analyzed by the developer using the latest available data.
  5. Prior to Final Subdivision Plat approval, Developer shall designate an Agent or, prior to the issuance of the first building permit for non-final plat developments, the Developer shall designate an Agent utilizing approved County forms. The Agent, on approved County forms, shall authorize the submission of off-site facility investment fees based upon latest available data prior to issuance of each building permit. The Agent shall be responsible for the submission of all monies payable pursuant to the stipulations and for the receipts or credit of monies the County may remit to the Developer.
  6. Adjustments in the applicable off-site facility development fee for residential units and/or square footage for commercial and industrial units, shall be made against an equivalent number of residential units and/or square footage of commercial or industrial units next constructed. Adjustments shall be determined without regard to inflation or interest.

7. The off-site facility development fee for each building shall be assessed when the building permit is issued and collected by the Manatee County Planning Department prior to the issuance of a Certificate of Occupancy therefor, and shall be escrowed as provided in paragraph 9 of these stipulations.
8. Manatee County Finance shall escrow monies collected from off-site facility development fees and shall identify each development with a project number. Upon adoption of an impact fee ordinance, all escrowed monies shall be segregated by project number and incorporated into the impact fee fund created for the impact district in which the development is located.
9. Concurrent with the payment and collection of off-site facility development fees, the Agent shall pay and Manatee County Planning Department shall collect additional and non-refundable administrative costs calculated as 1.5% of the off-site facility development fee then collected. Administrative costs collected shall be credited to Manatee County Finance and shall be adjusted as provided in paragraph 7 of these stipulations.
10. Upon adoption of an impact fee ordinance, differences may occur between the impact fee set by ordinance and the fees collected pursuant to these stipulations. Should impact fees set by the ordinance exceed the monies escrowed by the developer, developer's Agent shall be responsible for either submitting the cash difference to the County without regard to payment of interest within one year from the adoption of the ordinance or making adjustments as provided in paragraph 7. Should the impact fees set by the ordinance be less than the monies escrowed by the developer, the County at the Agent's election, shall remit the difference to developer's Agent without regard to payment of interest within sixty (60) days from adoption of the ordinance, or credit the difference as provided in paragraph 7 of these stipulations.
11. In the event Manatee County fails to adopt an impact fee ordinance by July 1, 1987, the escrowed monies shall be deemed released and paid over to the County which shall utilize the monies to build those public improvements benefitting the development. The monies shall be distributed for use as provided by the final latest available data adopted by the Board and shall be limited to public improvements specially benefitting the development.

**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 adequate school and park sites, EMS, police and fire 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 Conceptual 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 Conceptual 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 the Manatee County, and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the second anniversary of the effective date of this Order 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 Planning and Development 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; and
  - 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 identity 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.

BE IT FURTHER RESOLVED THAT:

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

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

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

A. The "Application for Development Approval" together with supporting documents submitted by CREEKWOOD.

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

C. The Ordinance granting rezoning to Planned Development Residential, Planned Development Commercial and Planned Development Industrial adopted July 10, 1985.

4. This Development Order shall be effective for a period of twenty (20) years from the date of the adoption of this Resolution granting this Development Order provided that the effective period may be extended by the Board upon a showing of good cause. This approval shall not be construed as a waiver of any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived by stipulations attached to this Resolution.

The time provided shall be tolled during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.

5. This Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the power and duties of any referenced governmental agency in existence on the effective date of this Development Order.

6. A certified true copy of this Resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of CREEKWOOD.

7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(7), Florida Statutes, after notice and public hearing, that CREEKWOOD has substantially deviated from the conditions, restrictions and limitations of this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

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

ADOPTED with a quorum present and voting this 22nd day of October, 1985.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: Edward W. Chance  
Chairman

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

at: Richard S. [unclear] Clerk of the Court