

MANATEE COUNTY
GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

June 3, 1994

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Enclosed is a certified copy of Resolution R-94-133 which was approved by the Board of County Commissioners on May 26, 1994 to amend the Cypress Banks Development of Regional Impact Development Order, and supplied to you pursuant to Rule 9J-2.025, F.A.C.

If you have any questions, please call (813) 749-3070.

Sincerely,

Betsy Benac
Assistant Director

/im
Enclosure

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R-94-133
CYPRESS BANKS DEVELOPMENT ORDER
RESOLUTION GRANTING AMENDMENTS TO R-89-161(R)
AS AMENDED BY R-92-170

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R) adopting a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan; and

WHEREAS, the proposed change is consistent with the State Comprehensive Plan; and

WHEREAS, the proposed change will be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change will extend the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

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

1. The Board finds that the proposed changes to the phasing schedule, Preliminary Site Plan submittal requirement, transportation conditions and the effective date of R-89-161(R), as amended, are not a substantial deviation, that the amended conditions adequately address the impacts of the proposed changes to the Development Order.

2. Development condition B.(3), transportation conditions C.(2) and C.(3), the Development Order expiration date and the phasing schedule are hereby amended to read in their entirety as follows:

B.(3) The Developer* shall submit a Preliminary Development Plan* or Preliminary Master Development Plan* for the development within twenty-four (24) months of Development Order approval. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D". The Developer* shall complete or demonstrate substantial progress toward infrastructure and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of

County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning and Zoning after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in paragraph C.(3).

- C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning and Zoning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D". (Manatee County Planning and Zoning)

- C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:
- a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR
 - b. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact

Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR
2. For all development after the first 1405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

H.(19) This Development Order shall expire on August 7, 2014.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE***	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990-August 7, 2000)	Resort Center*	Tennis Complex First and Second Golf Course (18 Holes Each) Religious Center	1405**
II (August 7, 2000-2005)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center	1405
III (August 7, 2005-1010)			1406
IV (August 7, 2010-2014)			1406
		TOTAL	5622

* Includes 27,000 s.f. of Specialty Retail.
 ** 300 rooms in Resort Hotel - Hotel does not count as dwelling unit. A minimum 100 units shall be multi-family.
 *** The original phasing Schedule was based upon the projections in the ADA - with a completion date of 2006.

3. All other provisions of Development Order Resolution No. R-89-161(R), as amended by R-92-170, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 26th day of May, 1994.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY: Joe McClash
Joe McClash, First Vice-Chairman

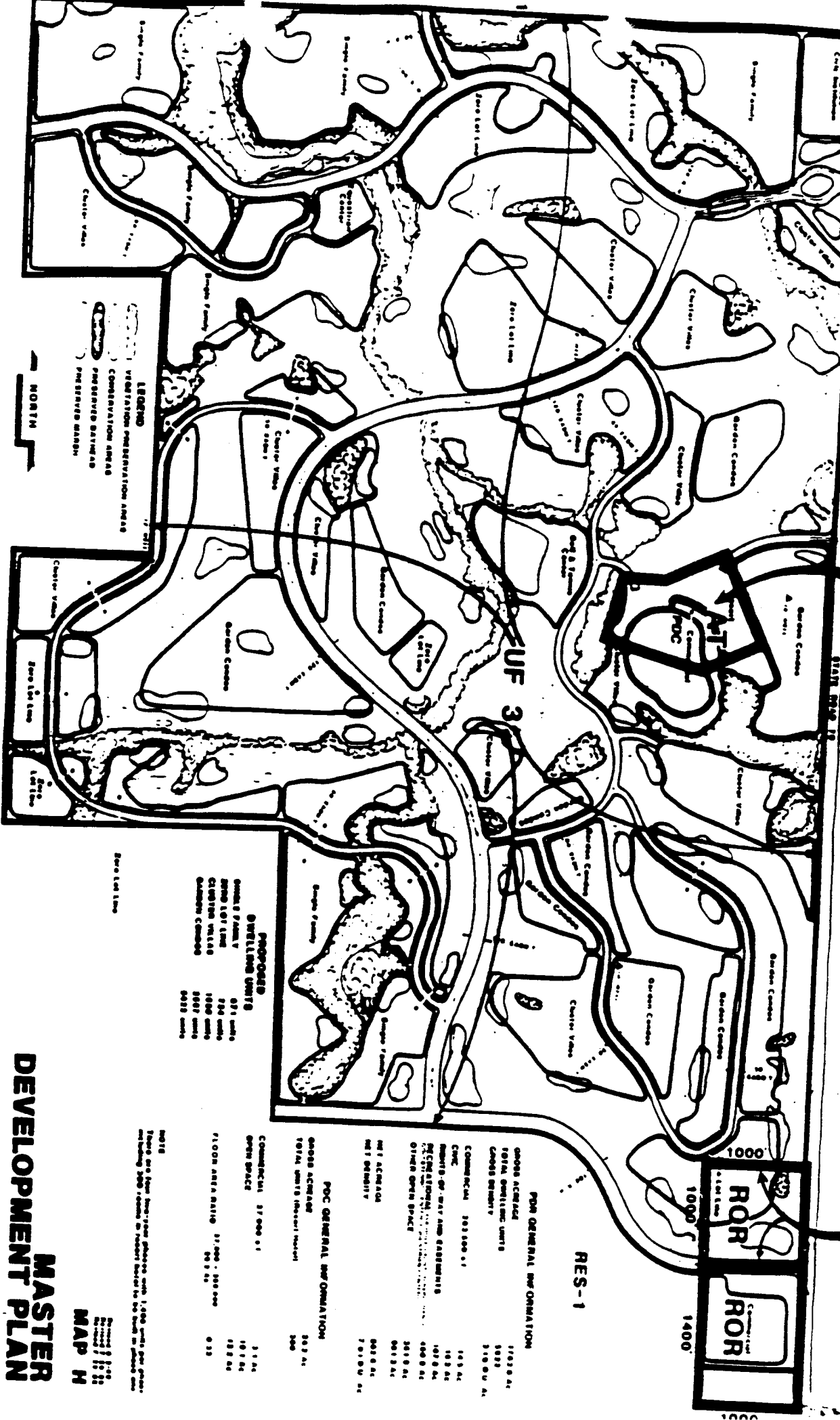
ATTEST: R. B. SHORE
Clerk of the Circuit Court



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of RESOLUTION NO. R-94-133 adopted by the
Board of County Commissioners of said County on
the 26 day of May, 1994, this 26 day
of May, 1994, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [Signature] D.C.

RES-1 MAJOR ATTRACTOR 28.2 AC.
 RETAIL/OFFICE/RESIDENTIAL 22.9 AC.



PROPOSED DWELLING UNITS

Single Family	071 units
2nd Lot Land	724 units
Cluster Units	1000 units
Greenhouses	1007 units
	2002 units

NOTE:
 These are 2000 sq. ft. gross area units with 1,400 sq. ft. per gross unit.
 Including 2000 sq. ft. gross area units for 2000 sq. ft. per gross unit.

POC GENERAL INFORMATION

GROSS ACREAGE	50.1 AC.
TOTAL DWELLING UNITS	2002
LOT DENSITY	39.96 UNITS/AC.
COMMITMENT	100,000.00
CONC.	100.00
AMOUNT OF PAY AND ESTIMATED	100.00
PERCENTAGE OF TOTAL UNIT VALUE	100.00
OTHER OPEN SPACE	100.00
NET ACREAGE	100.00
NET DENSITY	100.00
	100.00

MASTER DEVELOPMENT PLAN
CYPRESS BANKS
 a planned development

Map H