

**ORDINANCE 15-14 (f.k.a.14-45)
ROBINSON GATEWAY DRI #29 (TBRPC DRI #271)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*), FILED BY MW GATEWAY DEVELOPMENT, LLC; ALSO KNOWN AS TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #271; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 20, 2010, MW Gateway Development, LLC submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA*) for 542 residential units; 900,000 square feet of retail; 600,000 square feet of office; 1,750 seat movie theatre and 350 hotel rooms; as legally described in Section 7, referred to as Robinson Gateway DRI, or the Project*; and

WHEREAS, the Project* is proposed in one phase with a buildout date of 2025;

WHEREAS, Specific approval is requested;

WHEREAS, the described Project* lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Development Order for a DRI; and

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been adhered to and satisfied; and

WHEREAS, the Manatee County Planning Commission after due public notice, held public hearings on November 13, 2014, December 11, 2014, January 15, 2015, February 12, 2015 and March 12, 2015 to consider the Robinson Gateway DRI and found the Robinson Gateway DRI to be consistent with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.02, FAC, subject to the conditions of approval established in this development order and recommend Specific Approval of DRI #29 (TBRPC DRI #271); and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC); the Planning Commission, and the Planning Staff; and

WHEREAS, the Board of County Commissioners held duly noticed public hearings on December 4, 2014, January 8, 2015, February 5, 2015 and April 2, 2015 on Ordinance 15-14 and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Division of the Building and Development Services Department.

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

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, ADA* (with sufficiency responses), the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to rezone the parcel from A-1 (Suburban Agriculture-One dwelling unit per acre), to the PDMU (Planned Development Mixed Use) zoning district, and to approve a General Development Plan for the entire ±288 acre Project* by consideration of proposed Ordinance No. PDMU 15-04(Z)(G).
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and as it relates to the real property described in Section 7 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report of the Planning Commission was rendered on March 26, 2015 following a public hearing.
- D. The Board of County Commissioners held public hearings on December 4, 2014, January 8, 2015, February 5, 2015 and April 2, 2015 regarding Ordinance No. 15-14, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearings.
- E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, schools

and drainage in compliance with state requirements and the Land Development Code.

- G. This Development Order is issued based on information provided by the Developer* in the ADA* (with sufficiency responses); public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Division of the Building and Development Services Department, and ensures continued compliance with the Manatee County Comprehensive Plan.
- H. The real property which is the subject of this ADA* and Development Order is legally described in Section 7 of this Ordinance.
- I. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent and address for the Project* is Mr. Edward Vogler II 2411-A Manatee Avenue West, Bradenton, Florida 34205.
- K. The owner of the property which MW Gateway Development, LLC. intends to develop is Robinson Land Holdings Joint Venture, a Florida General Partnership.
- L. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Board of County Commissioners, TBRPC, and the State Planning Agency in conjunction with the ADA*, sufficiency responses, and this Development Order.
- M. The TBRPC declared the ADA* application sufficient on July 11, 2014.

SECTION 2. CONCLUSIONS OF LAW.

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
 - 2. 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 Strategic Regional Policy Plan (SRPP)", and the 2020 Manatee County Comprehensive Plan (as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on October 13, 2014 regarding this ADA*.
4. 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.
5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order, and the ADA. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

- A. This Development Order approval shall constitute approval of the ADA* subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- B. The Development is Specifically Approved subject to the conditions found within the Development Order and any certificates of level of service compliance which may be issued for all services, except potable water and sewer, which has been issued for the land uses listed and defined herein and in Zoning Ordinance PDMU-15-04(Z)(G). Potable water and sewer and school concurrency will be reviewed at time of each Final Site Plan submittal.
- C. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application, as to such requirements which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- D. The build-out date for this Development Order is December 31, 2025.
- E. The expiration date for this Development Order is December 31, 2026.

TABLE 1: DEVELOPMENT TOTALS

	Residential (units)		Retail (sq. ft.)	Office (sq. ft.)	Movie Theatre (seats)	Hotel (rooms)
Total (2025)	320 Residential/Single Family Attached	222 Residential/Multi-Family	900,000	600,000	1,750	350

SECTION 4. DEFINITIONS.

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan, and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- A. "Application for Development Approval*" or "ADA*" shall mean the Robinson Gateway Development of Regional Impact Application for Development Approval* (December 22, 2010), the First Sufficiency Response (June 12, 2013), and the Second Sufficiency response submitted on February 12, 2014.
- B. "Best Management Practices*" shall mean the method or combination of methods determined after problem assessment and examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and may vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "County*" shall mean Manatee County, a political subdivision of the State of Florida.
- D. "Developer*" shall mean MW Gateway Development, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Project* and all conditions of approval.

- E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- F. "Funding Commitment*" shall mean projects funded for construction in the current year plus one of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within three years.
- G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
 - 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- H. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 7 herein.
- I. "Specific Approval*" shall mean ADA approval for the Project*. Verification of adequate public utility and school capacity is also required. Specific Approval* herein should not be confused with Specific Approval* as defined in the Manatee County Land Development Code.
- J. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential structures or the reconstruction or addition to any structure. "Vertical Development" shall not mean nor be deemed to include the construction of any new structure or the reconstruction or addition to any structure specifically for the use of the existing or future agricultural operations.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

SECTION 5. DEVELOPMENT CONDITIONS:

THE ROBINSON GATEWAY DRI IS SPECIFICALLY APPROVED FOR DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Transportation.

- A.(1) Robinson Gateway DRI development traffic will have significant and adverse impacts on the regionally significant transportation facilities listed in Table A(1), Transportation Improvements. In accordance with Section 163.3180(5)(h)(1), Florida Statutes, and as necessary to mitigate the Project* impacts, the Developer* shall construct or pay the Proportionate Share of each required Improvement prior to Project development approvals generating trips equal to or greater than the corresponding Project Trip Threshold. The contribution or construction of the proportionate share of the following roads or facilities shall be deemed sufficient to accomplish one or more mobility improvements that benefit a regionally significant transportation facility, and shall fully satisfy the transportation concurrency requirements of the Comprehensive Plan and the requirements for mitigation of the Project* transportation impacts. Except for Developer* proportionate share as set forth herein, the Developer* shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

In accordance with Section 510.2.3 of the Land Development Code, the applicant has applied for a Certificate of Level of Service Compliance (CLOS) in conjunction with this DRI DO. The term of the CLOS shall be determined based on the amount of development to occur within the CLOS, and the schedule of required improvements set forth in Table A(1), to provide the applicant with a reasonable time to complete the anticipated required improvements. The applicant may satisfy concurrency pursuant to and in accordance with Section 163.3180, Florida Statutes.

Table A(1). Transportation Improvements

No.	Road	Location/Limits	Improvement	Project Trip Threshold	Proportionate Share
1	Moccasin Wallow Rd	I-75 northbound ramps to 0.25 mi east of Buffalo Rd	Widen from four lanes to six lanes	2,541	75.2%
2	Moccasin Wallow Rd	0.25 mi east of Buffalo Rd to 0.25 mi east of Carter Rd	Widen from two lanes to four lanes	This improvement is included in the intersection improvement at Moccasin Wallow Road at Carter Road.	... ¹
3	Moccasin Wallow Rd	intersection at U.S. 41	Construct a separate westbound left turn lane (for total of one)	2,463	62.2%
4	Moccasin Wallow Rd	at I-75 northbound ramps	Install traffic signal control	2,760	27.3%
5	Moccasin Wallow Rd	at project Driveway #1 aligning with Buffalo Rd	Construct a separate southbound left turn lane (for total of one), southbound right turn lane (for total of one), eastbound left turn lane (for total of two). Construct additional eastbound through lane (for total of three) and additional west bound through lane (for total of three) consistent with Improvement No. 1 of this table. See condition A(9).	2,167	100.0%
6	Moccasin Wallow Rd	intersection at Carter Rd	Construct a separate southbound left turn lane (for total of one). Construct additional eastbound through lane (for total of two) through the intersection tapering to one eastbound through lane 0.25 mi east of the intersection consistent with improvement No. 2 of this table.	1,751	62.7%
7	Moccasin Wallow Rd	intersection at U.S. 301	Construct a separate eastbound left turn lane (for total of one)	2,315	66.3%
8	U.S. 301	intersection at S.R. 62	Construct a separate westbound left turn lane (for total of one)	2,760	50.1%
9	Moccasin Wallow Rd	at project Driveway #2, approximately 0.20 mi east of Buffalo Rd	Construct separate eastbound left turn lane (for total of one), westbound right turn lane (for total of one), and southbound right turn lane (for total of one). Construct additional eastbound through lane (for total of two) and westbound through lane (for total of two), consistent with Improvement No. 2 of this table.	2,523	100.0%
10	Carter Rd	at project Driveway #3, located on Carter Rd	Construct separate northbound left turn lane (for total of one), eastbound left turn lane (for total of one), and eastbound right turn lane (for total of one).	2,968	100.0%

¹ This improvement is included in the proportionate share calculation at the intersection of Moccasin Wallow Road & Carter Road

A.(2) With each Final Site Plan application, the Developer shall submit to the County a permitting summary which addresses the following:

1. The total land use quantities proposed by the submitted final site plan, plus all land uses previously approved with prior final site plans, to demonstrate consistency with the Development Order; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.

A.(3) At the time of submittal of a proposed Final Site Plan for fifty percent (50%) of the approved density and intensity of the Project*, the Developer* shall complete a transit analysis to determine whether public transit is required at that time. In the event that the transit analysis establishes the need for

public transit at that time, the Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within or along the perimeter of the Project*. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.

- A.(4) The Developer shall provide roadway and pedestrian connections to perimeter roads and community open space/park sites.
- A.(5) There shall be bicycle or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.
- A.(6) The Developer* shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project*, unless otherwise approved by the County.
- A.(7) Solely to the extent required by law, a biennial monitoring program will be started upon the issuance of the first building permit for uses which exceed fifty percent (50%) of the earliest Project* Trip Threshold set forth in Table A(1). This biennial monitoring report will continue until buildout. The biennial reports shall provide information for the Project* regarding the total development which has been permitted and its equivalent in trips, and shall project the development/trips anticipated for the next two years.

Prior to commencing the biennial monitoring, the Developer* shall submit a monitoring methodology and plan showing the proposed locations of the counts to Manatee County for review and approval. The monitoring program at a minimum shall consist of one 2-hour pm peak hour (4 pm to 6 pm) directional counts, with subtotals at 15-minute increments at all Project* entrance driveways with public roadway connections. The sum of the Project* driveway trips will be totaled in 15-minute increments and the highest four consecutive 15-minute totals will be summed to determine the project's total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Project*. The biennial monitoring shall be conducted during the peak season (February to April) and a maximum of 60-90 days prior to the Biennial Report submittal date unless otherwise approved by Manatee County.

A.(8) Based on the findings of the traffic impact analysis, the following site-related improvements (Improvement No. 5 of Table A(1)) are necessary at the project driveway aligning with Buffalo Road at Moccasin Wallow Road:

- Southbound left turn lane
- Southbound right turn lane
- Second eastbound left turn lane
- Third eastbound through lane
- Third westbound through lane.

Prior to design and construction of the intersection improvements, the applicant shall submit a visibility and operational analysis for all approaches of the proposed Moccasin Wallow Road at Buffalo Road/Project Access intersection. The analysis shall be prepared consistent with a methodology that has been reviewed and approved by Manatee County Public Works. The purpose of the analysis shall be evaluate the overall operations and safety of the intersection to also include recommended location, recommend lanes and alignment of each approach, and evaluation of the interaction of traffic flows between the intersection and adjacent intersections. The recommendations of the approved analysis shall be implemented in the design of the intersection, and improvements shall be the subject of a binding executed contract for construction or completed prior to or concurrent with the final site plan that includes the driveway connection.

A.(9) The Developer shall receive impact fee credits for non-site related improvements in accordance with Chapter 8 of the Land Development Code and applicable law”.

Vegetation, Wildlife, and Wetlands

B.(1) As committed, the applicant shall employ 30’ or 25’ buffers to preserve and protect the off-site wetlands designated on Map F within the ADA from direct and secondary impacts.

B.(2) Pursuant to Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region (2005) Policy 4.50, the applicant shall create and maintain a naturally vegetated buffer sufficient to preserve the value and function of the regionally-significant natural resources abutting the Robinson Gateway site. These buffers should be set aside in conservation easements to the extent required by the Manatee County Comprehensive Plan and Land Development Code.

- B.(3) The Project* does not include wetland areas. But, in the event any such wetland areas exist from time to time, the Developer* shall preserve and protect all wetland areas in accordance with the Manatee County Comprehensive Plan and LDC.
- B.(4) Conservation Easements for the areas defined as post-development jurisdictional wetlands, wetland buffers, and the upland preservation area shall be dedicated to the County prior to or concurrent with issuance of the first Certificate of Occupancy or Final Plat for those conservation easements within or directly adjacent to the proposed development.
- B.(5) Prior to any clearing or construction activities, updated wildlife surveys shall be conducted by experienced wildlife biologists in accordance with established U.S. Fish and Wildlife Service survey protocols.
- B.(6) In the event that any state-or federally-listed species are discovered breeding on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- B.(7) Littoral shelves shall be designed to provide enhanced water quality management as well as forage habitat for wood storks and other wetland-dependent species.
- B.(8) Nuisance and exotic plant species shall be removed from the project site during site development. A plan shall be developed to address how the preserved areas will be maintained free of nuisance and exotic species. The Plan shall be submitted to Manatee County for approval and included in the first biennial report.
- B.(9) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
- B.(10) As committed, the Applicant shall maintain a prudent fencing program to separate the agricultural business operations from the development areas through buildout.
- B.(11) The Developer* shall provide an updated study, consistent with Policy 3.3.2.1 of the Manatee County Comprehensive Plan, for threatened and endangered plant and animal species prior to each Final Site Plan approval. Management Plans, permits or other authorizations approved by the appropriate State or federal agency, shall be provided to Manatee County for any listed species found on-site, prior to Final Site Plan approval.

- B.(12) Prior to each Preliminary Site Plan approval, an evaluation for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), shall be performed by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation and mitigative measures shall be subject to the approval of Manatee County. Copies of a remediation and mitigation plans along with the approvals by appropriate State or Federal agencies shall be provided to the Planning Department. All remediation and mitigation activities shall be completed prior to commencement of construction. If applicable, a remediation plan shall be reviewed and submitted for approval to Manatee County.

Soils

- C.(1) Best Management Practices or appropriate methods, including those identified in the ADA*, shall be employed during site preparation and construction to prevent soil erosion.

Air Quality

- D.(1) Best Management Practices* shall be employed during site preparation and construction to minimize air quality impacts.

Water Quality and Stormwater Management

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to ensure the quality of the discharge and to meet or exceed the requirements for development within the Frog Creek Drainage Basin. Upland habitat adjacent to the wetland system shall be created and preserved in wetland buffers to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices*, including those which prevent construction-related turbidity.
- E.(3) The Developer* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(4) Native plant species shall be incorporated into the landscape design to the greatest extent practicable.

- E.(5) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(6) The applicant shall conduct any required remediation of chemical contaminants prior to construction.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers, or natural resources of regional significance.
- E.(8) A separate storage facility, from the surface water management system, is encouraged for sanitary reclaimed water use.
- E.(9) The Developer* shall submit a Surface and Groundwater Quality Monitoring Plan for the Robinson Gateway DRI for review and approval by the County prior to approval of the first Preliminary Site Plan. A copy of this Plan shall also be provided to the Southwest Florida Water Management District, who will submit technical assistance comments to Manatee County as part of the review and approval process. Approval of the Surface and Groundwater Quality Monitoring Plan will be subject to the following conditions:
- Protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to Manatee County.
 - Baseline monitoring shall be completed prior to the commencement of any construction activities with the exception of those construction activities that may be required to implement the monitoring plan.
 - Manatee County may require the monitoring plan to be modified should the land use change significantly or should the baseline monitoring reveal exceedences that would merit additional monitoring measures.
 - If monitoring activities do not begin in a timely manner, Manatee County may require the monitoring plan to be modified accordingly.
 - All surface and groundwater monitoring results shall be included with the respective Biennial Report to be submitted for the project.
- E.(10) The Developer shall implement resident education advocating surface water protection (i.e., proper use of fertilizers and pesticides).
- E.(11) Low impact development techniques are encouraged to be used throughout

the development. These techniques shall include, but are not limited to, the following:

- Retention of the maximum amount of existing native vegetation;
- Shallow vegetated swales in areas where practical, including parking;
- Appropriate Florida-friendly plant selections;
- Small, recessed garden areas throughout landscaped areas;
- Porous pavement and other pervious pavement technologies;
- Stabilized grass areas for overflow parking; and
- Stormwater reuse.

Specific requirements for implementation of these and/or other techniques shall be stipulated in the accompanying Zoning Ordinance.

E.(12) Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan shall prevent Manatee County from issuing any further site plan approvals.

E.(13) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report through project buildout.

Historical and Archaeological Sites

F.(1) If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the Project* site area, the Project* should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The applicant, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at

850.245.6333 or 800.847.7278, as well as the appropriate agency office. Division of Historical Resources. Project activities should not resume without written authorization from the Division of Historical Resources.

In the event that unmarked human remains are encountered during Project*-related activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

Water

- G.(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- G.(2) The Developer* shall be required by Manatee County ordinances, to extend potable water service or utilize the existing potable water infrastructure constructed onsite for the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- G.(3) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.531, Florida Administrative Code.
- G.(4) Assurance of adequate water supply capacity to serve the project and identification of the entity(ies) responsible for maintenance of the water supply systems within the project site shall be provided for within the Development Order. This would include the necessity for adequate water supply for fire-fighting.
- G.(5) The project shall utilize the lowest quality water allowable and available for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. The Developer shall coordinate with the County Utility Department for the use of reclaim water within the project to the extent reclaim water is a reliable quality, quantity. Prior to Final Site Plan approval the applicant shall specify the source of irrigation on the site plan.
- G.(6) The Developer* has committed to the following:
 - Development of a long-term plan to optimize potable and non-potable water resource use in the development;
 - Use of xeriscaping or Florida-Friendly Landscaping [SWFWMD];

- Prohibit use of in-ground Manatee county public water supply for irrigation purposes;
- Incorporate ecologically viable portions of the existing native vegetation to the extent practicable with no irrigation required or used; and
- Provide water conservation educational materials to all residents and tenants.

- G.(7) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(8) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(9) Irrigation time clocks shall be reset after the establishment period for new landscaping has expired.
- G.(10) Florida-friendly landscaping principles shall be used throughout the development.
- G.(11) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the extent practicable and shall not be irrigated.
- G.(12) Water conservation educational materials shall be provided to all residents and tenants of the development.

Wastewater

- H.(1) Approval of the project shall include assurance of adequate wastewater treatment capacity as well as any developer provision(s) of any improvements to the internal wastewater collection system. Future biennial reports shall contain an updated summary of utility service commitments.
- H.(2) No permanent septic tanks shall be installed on the Robinson Gateway site. In addition, abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable materials.

Solid Waste

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer* shall be required by Manatee County ordinances, to extend solid waste service to the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- J.(1) Greenways, nature trails, parks, environmentally-sensitive features, open space, and recreation facilities shall be maintained by the Developer* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies, unless otherwise approved by the County.
- J.(2) The Developer* shall provide on-site community open space/parks of approximately 30 acres and recreational facilities, as generally shown on Map H attached hereto as Exhibit A. Community open space/parks may include active and passive recreation areas and shall include a fifty (50) foot area for a greenway trail to accommodate the County's future use of the Ellenton-Willow Trail along Carter Road. Recreational areas may include nature trails, boardwalks, interpretive trails, active recreation areas, pocket parks, ponds and water bodies that may include trails, fishing access, canoe or boating facilities, or other similar water sports facilities that will be provided on the site, at locations to be determined by Manatee County through the development review process.

Police, and Fire

- K.(1) The Developer should apply and promote the use of the National Fire Protection Agency's "Firewise" principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems.

Hurricane Preparedness

- L.(1) The Developer* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office

buildings, etc.

Affordable Housing

- M.(1) In lieu of any analysis required by 9J-2.048, Florida Administrative Code, the Developer shall enter into a voluntary housing mitigation program as set forth in the conditions below.
- M.(2) The Developer shall provide up to 54 units within the project that satisfies the requirements of the “affordable” or “workforce/essential worker” housing as defined by the Manatee County Land Development Code. The final number of combined affordable or workforce/essential worker units to be equal to 10% of the total number of residential units constructed within the Project.
- M.(3) The 54 units shall qualify upon the first sale or rental to an end user as workforce housing as defined by Manatee County Land Development Code. The maximum sales price for the workforce housing units shall be based upon current workforce sales price as established by the methodology in the Manatee County Land Development Code and may be modified each year as determined by Manatee County.
- M.(4) The proposed units may be provided as either for sale units or for rent multi-family units provided the rental rates meet the requirements within the Manatee County Local Housing Assistance Plan.
- M.(5) As an alternative to the construction of units, the Developer may elect to contribute to the Voluntary Affordable Housing Mitigation Program payment no greater than \$108,000 (54 units x \$2,000 each), in terms of 2014 dollars, to the Manatee County Neighborhood Services Department or its designated Housing Assistance Program to fully satisfy any affordable or workforce housing requirements for the Robinson Gateway DRI.
- M.(6) The Voluntary Affordable Housing Mitigation Program payment shall be made at time of building permit for each residential unit on the project and payable at the rate of \$200 per residential unit in terms of 2014 dollars. (542 units x \$200 per unit = \$108,400).
- M.(7) Residential units sold within the Robinson Gateway DRI that meet the Maximum Income Limits for qualifying individual(s) or Maximum Sales Price requirements for affordable or workforce housing as identified by the Manatee County Maximum Income Limits Table shall not require the voluntary cash mitigation payment described in Stipulation M.(6) above, and

shall apply to satisfaction of the requirement to provide “affordable” or “workforce/essential worker” housing. These units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price and income limits in effect at the time a contract for purchase of an affordable or workforce housing unit is executed shall apply.

M.(8) Residential units rented within the Robinson Gateway DRI that qualify as affordable housing or are equal to or less than a monthly mortgage payment for a workforce housing unit as identified by the Manatee County Maximum Income Limits Table shall not require the voluntary cash mitigation payment described in Stipulation M.(6) above, and shall apply to satisfaction of the requirement to provide “affordable” or “workforce/essential worker” housing. These units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sale price (and rental equivalent) and income limits as well as the proposed price range of rental units in effect at the time a certificate of occupancy is issued for a multi-family residential building containing affordable and/or workforce housing units shall apply.

M.(9) In lieu of the cash mitigation payments required above, either in whole or in part, Robinson Gateway DRI may propose for TBRPC, the State Land Planning Agency, and Manatee County approval, one (1) or more "on-site" affordable or workforce/essential worker housing programs to satisfy such obligation by one (1) or more of the following types of programs; provision of land for other affordable housing programs; provision of affordable rental or purchase subsidy assistance; provision of down payment, closing cost or other acquisition cost assistance; provision of financial assistance; or other affordable housing assistance deemed appropriate and suitable, in whole or in part, by TBRPC, the State Land Planning Agency, and Manatee County. If one or more such "on-site" programs are approved, then the funds in the mitigation special revenue fund above, shall be utilized for such program(s).

M.(10) The Developer shall include in its Biennial Report data showing the number and sale prices of affordable and/or workforce housing units sold or rented within the reporting period. The Biennial Report shall identify the sale of any unit via the property appraiser data for sales date. Rental shall include documentation on the number of units, rental rate and duration of initial contract. The Developer shall also report the amount of voluntary cash

mitigation payments made for residential units that do not qualify as affordable or workforce housing units.

- M.(11) The Developer retains the right to perform an affordable housing analysis consistent with 9J-2.048, Florida Administrative Code, at any time during development of the DRI to determine the affordable housing need created by the project and appropriate mitigation, if necessary, to be applied to the remainder of the project, subject to the concurrence of Manatee County, TBRPC, and the State Land Planning Agency.
- M.(12) The Developer shall attempt to maintain the 10% ratio of workforce / affordable units to make the necessary mitigation payments throughout the development schedule. Should the project develop mitigation units in excess of 10% at any time, any exceedance of mitigation units shall be credited towards future development of the project. If during any biennial reporting period it is determined the project had developed or paid the cash mitigation for less than 10% ratio, the mitigation payments or units may be requested by the County.

Energy

- N.(1) The Developer* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.
- N.(2) The developer shall work with TECO/Peoples Gas, or other similar provider, to encourage the availability of natural gas within the Project*.
- N.(3) The Developer* shall enter into a separate agreement with FP&L relative to Contribution in Aid of Construction in order for FP&L to provide service.
- N.(4) The FP&L Easement shall be relocated and/or any development that may be proposed within the FP&L easement shall be consistent with the property owner's easement rights.

Floodplains

- O.(1) Any development within the 100-year floodplain shall include full compensation for the loss of flood storage capacity.
- O.(2) Floodplain management strategies shall be employed to prevent erosion, retard runoff, and protect natural functions and values.
- O.(3) All habitable structures shall be constructed in accordance with Manatee

County's flood protection requirements.

General Conditions

- P.(1) Should development of the Project* depart from the parameters set forth in the ADA*, the Project* will be subject to Substantial Deviation review pursuant to Section 380.06, F.S in the manner set forth therein.
- P.(2) Physical development shall commence within five years of Development Order adoption in order to have reasonable expectation of achieving the buildout date. Physical development shall mean construction of infrastructure, roadways or other vertical development.
- P.(3) Any approval of Robinson Gateway shall, at minimum, satisfy the provisions of Subsection 380.06 (15), F.S. and the following provisions of the Florida Administrative Code (F.A.C.): Rule 9J-2.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 9J-2.043 (Archaeological and Historical Resources Uniform Standard rule); Rule 9J-2.044 Hazardous Material Usage, Potable Water, Wastewater, and solid Waste Facilities Uniform Standard Rule); Rule 9J-2.048 (Adequate Housing Uniform Standard Rule).
- P.(4) Any approval of this development shall require that all of the Developer's* commitments set forth in the ADA* and subsequent Sufficiency Responses shall be honored as Development Order Conditions, except as they may be superseded by specific terms of the Development Order. Such developer commitments have been summarized in Section III of the ADA report and Section 6 of this Development Order.
- P.(5) Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer* in accordance with Rule 9J-2.0252, FAC.
- P.(6) Approval of Robinson Gateway DRI shall be contingent upon the project's consistency with the Manatee County Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, F.S., and the state and regional plans.
- P.(7) The Developer*, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes* to the County*, TBRPC, the State Land Planning Agency, and

other agencies, as may be appropriate, on even number years commencing August, 2016 until such time as all terms and conditions of this Development Order are satisfied. Eight (8) copies of this report shall be submitted to Manatee County, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the County decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:

- a. Any change in the plan of development, or in the representation contained in the ADA, or in the land uses for the reporting year and for the next year.
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the land encompassed by the Development Order for the Project*;
- e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or the State Land Planning Agency, as being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

- j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information required per the Development Order in regard to the voluntary housing mitigation;
- l. Biennial traffic monitoring data, to the extent required by law.
- m. An updated map showing the locations and acreage of upland and wetland preservation; and
- n. Any other information required pursuant to general law.

P.(8) The Development Order should take into account any applicable concerns set forth in the attached letters from the Southwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Historical Resources and the Florida Department of Transportation.

SECTION 6. DEVELOPER* COMMITMENTS:

The following are developer commitments set forth in the Application for Development Approval* (ADA*) and Sufficiency Responses* (SR) which shall be honored by the Developer*, except as they may be superseded by specific terms of the Development Order.

GENERAL

1. The 100' FPL Easement will be relocated and/or any development that may be proposed within the FPL easement will be consistent with the property owner's easement rights (SR1/Page 5).
2. Physical development shall commence within five years of Development Order adoption in order to have reasonable expectation of achieving the buildout date. Physical development shall mean construction of infrastructure, roadways or other vertical development [SR3/Proposed Development Order Condition 5.O.(2)]
3. The developer, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), F.S. to the County, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on even number years commencing August, 2016 until such time as all terms and conditions of this Development Order are satisfied [SR3/Proposed Development Order Condition 5.O.(5)]

VEGETATION AND WILDLIFE

1. Until such time that the site is actually developed, it is anticipated that the site will remain in agricultural use with continuously active agricultural operations (ADA/Page 15) but at no greater intensity than at present.
2. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
3. The Developer shall maintain a prudent fencing program to separate the agricultural business operations from the development areas through buildout. [SR3/Proposed Development Order condition 5.B.(5)]
4. Prior to each Preliminary Site Plan approval, an evaluation for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums) shall be performed by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation and mitigative measures shall be subject to the approval of Manatee County. Copies of remediation and mitigation plans along with the approvals by appropriate State or Federal agencies shall be provided to the Planning Division of the Building and Development Services Department.
5. All remediation and mitigation activities shall be completed prior to commencement of construction. If applicable, a remediation plan shall be reviewed and submitted for approval to Manatee County. [SR3/Proposed Development Order Condition 5.B.(6)]
6. No impacts to state or federally listed wildlife or plant life will result from the development of this Project, and no protective measures are proposed (ADA/Page 28). The applicant proposes to provide updates listed species surveys prior to construction. (SR1/Response to FFWCC)
7. No impacts to nesting or breeding areas of any known listed species will result from the proposed development. (SR1/Page 10)
8. The proposed surface water management ponds will incorporate shallow vegetated littoral shelves that will provide forage habitat for wood storks and other indigenous wildlife. (SR1/Response to TBRPC #12.3/Page 10)

WETLANDS

1. The subject property contains no wetland areas or habitats. Small isolated herbaceous wetlands are located offsite but near the subject property boundaries.

County required perimeter buffers, as well as County and State required buffers (30 feet and 15 feet, respectively), will assure the protection of these wetland systems from direct and secondary impacts. The proposed development will result in no impacts to wetland areas on or adjacent to the subject property (ADA/Page 29).

WATER QUALITY

1. The Robinson Gateway property provides groundwater recharge to the surficial aquifer but is not expected to have any aquifer recharge areas to the Floridan aquifer. (ADA/Page 32).
2. Throughout construction erosion control measures will be used. The use of staked hay bales and silt screens will help to minimize erosion and sediment transport.
3. A NPDES Stormwater Pollution Prevention Plan will be implemented to reduce the impacts of polluted runoff during construction. (ADA/Page 34)
4. The use of detention, retention, and filtration stormwater facilities throughout the site will be provided (ADA Page 34).
5. All wells which are not used for irrigation will be abandoned in accordance with District rules.(SR1/Response to SWFWMD #14/Page 1)
6. The applicant will commit to develop a pre and post development environmental monitoring plan for the property. The monitoring plan will propose a methodology by which water quality parameters and monitoring will be established. The draft Development Order can be conditioned to include a requirement for development and implementation of a Ground and Surface Water Monitoring Plan prior to site development.(SR2/Response to TBRPC #14-1/Page 6)
7. The Applicant's Site Characterization Screening Report indicated the presence of a non-attenuating chemical contamination that requires active remediation. In response to this issue, the Applicant indicated their intent to "conduct any required remediation prior to initiation of development activities within the project boundaries." (SR2/Response to TBRPC #14-2 Page 2)
8. The Developer shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project. [SR3/Proposed Development Order Condition 5.E(3)]
9. The Developer shall implement resident education advocating surface water protection (i.e., proper use of fertilizers and pesticides). [SR#/Proposed

Development Order Condition 5.E.(7)]

10. The Developer shall submit a Surface and Groundwater Quality Monitoring Plan for the Robinson Gateway DRI for review and approval by the County prior to approval of the first Preliminary Site Plan. Approval of the Surface and Ground Quality Monitoring Plan will be subject to the following conditions {SR3/Proposed Development Order Condition 5.B.(6)}:
- Protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed, the responsible entity shall provide written notification of the incident and corrective action taken to Manatee County.
 - Baseline monitoring shall be completed prior to the commencement of any construction activities with the exception of those construction activities that may be required to implement the monitoring plan.
 - Manatee County may require the monitoring plan to be modified should the land use change significantly or should the baseline monitoring reveal exceedances that would merit additional monitoring measures.
 - If monitoring activities do not begin in a timely manner, Manatee County may require the monitoring plan to be modified accordingly.
 - All surface and groundwater monitoring results shall be included with the respective Biennial Report to be submitted for the project.

SOILS

1. Any soil limitations that may impact development of the site will be specifically identified and addressed by the Registered Geotechnical Engineer at the time of permitting (ADA/Page 36).
2. Soil limitations related to ponds with respect to side slope stability will be addressed by utilization of moderate slopes, preservation of existing vegetation, and/or placement of sod and other acceptable soil stabilizing techniques.(ADA/Page 36)
3. Best Management Practices, including those identified in the ADA, shall be employed during site preparation and construction to prevent soil erosion.

FLOODPLAINS

1. No structures, roadways, or utilities are proposed within a 100-year flood prone area. (ADA/Page 41).
2. Buildings will be constructed on compacted fill material, with habitable structures sufficiently elevated to be at least one foot above the determined 100-year flood elevation (ADA/Page 36).

WATER SUPPLY

1. The Project will obtain potable water from the Manatee County public water system (ADA/Page 45).
2. The Applicant will continue to work with SWFWMD and Manatee County to develop a long-term plan to optimize potable and non-potable water resource use in the development through methods such as decreasing the amount of well withdrawals and increasing the use of reclaimed water (ADA/Page 44).
3. The Developers of the Robinson Gateway DRI will practice water conservation in both residential and non-residential developments, provide xeriscaping techniques where appropriate and feasible within the common areas of the Project and encourage similar landscaping practices within the residential, commercial and office portions of the DRI.
4. The master developer will be responsible for providing the landscaping within exterior project buffers and the public open space areas on the east side of the project. It is anticipated that the large stormwater on the west side of the development will also be constructed by the master developer. The master developer will have the responsibility to determine that the project is developed in conformance with rules and design standards established by the master developer. The use of xeriscaping techniques will be a key element in the design construction of the development. These elements will be documented into the Association documents which will be required of all subsequent owners and tenants. (SR1/Response to TBRPC #17-3.A/Page 14)
5. Irrigation systems will utilize the best design principles for water conservation and efficient application.
6. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual [SR3/Proposed Development Order Condition 5.G.(3)]
7. Ecologically viable portions of the existing native vegetation shall be incorporated into the landscape design to the extent practicable and shall not be irrigated.

[SR3/Proposed Development Order Condition 5.3.(11)]

8. Water conservation educational materials shall be provided to all residents and tenants of the development. [SR3/Proposed Development Order Condition 5.G (12)]
9. In addition to the installation of Florida-friendly landscaping and rain sensor irrigation systems, the following water conservation measures will also be considered for inclusion in the project design.

Landscaping

- Apply water, fertilizer, or pesticides to your landscape only when needed. Look for signs of wilt before watering established plants.
- Water early in the morning or in the evening when wind and evaporation are lowest.
- Consider using low-volume irrigation, such as a drip system.
- Avoid runoff; make sure sprinklers are directing water to landscape areas, and not to parking lots, sidewalks, or other paved areas.
- Adjust the irrigation schedule for seasonal changes. Sprinklers generally do not have to run as often in cooler weather, or during the rainy season.
- Use mulch around landscape plants to reduce evaporation and weed growth.
- Consider using drought-tolerant, low-maintenance plants.

General

- Be sure all hoses have shut-off nozzles.
- Use a broom, rather than a hose, to clear sidewalks, driveways, loading docks and parking lots.

Education

- Educate employees about the importance and benefits of water conservation.
- Create water conservation suggestions boxes and place them in prominent areas.
- Install signs in restrooms and cafeterias which encourage water conservation.

WASTEWATER MANAGEMENT

1. Wastewater service will be provided by Manatee County North Regional Water Reclamation Facility (ADA/Page 48).
2. The applicant has acknowledged their consistency with Policy 9.2.3.2 of the 202 Manatee County Comprehensive Plan which states “the development will pay for the full cost of installation of all wastewater collection system components which are needed on and off site to provide wastewater services to the site, meeting Level of Service standards.” [SR1/Response to Manatee County #10.A/Page 6 (of MCCP Policy citations)]
3. No permanent septic tanks are permitted [SR3/Proposed Development Order Condition 5.H.(2)]
4. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable materials. [SR3/Proposed Development Order condition 5.K.(1)]

STORMWATER MANAGEMENT

1. Legal entities will be charged with the operation and maintenance of the stormwater system(s), and the developer and/or his assigns, including possible purchasers of individual tracts, will assume the responsibility to manage the system at full development (ADA/Page 52).
3. The applicant proposes the creation of surface water lakes with vegetated littoral shelves as part of the future Stormwater Management System. These littoral shelves will be planted with emergent native wetland vegetative species such as arrowhead (*Sagittaria* spp.), pickleweed (*Pontederia cordata*), spike rush (*Juncus effuses*), and sand cord grass (*Spartina bakeri*). (ADA/Page 30)
4. Per Chapter 17-25, F.A.C., stormwater treatment will be met using accepted methods including: 1) construction of littoral zones to be vegetated by native aquatic species, and 2) utilization of ponds to provide biological treatment to maintain water quality. The Stormwater Management Plan will place particular emphasis on these methods to enhance water quality by using natural biological mechanisms for the breakdown of pollutants and nutrient uptake. (ADA/Page 33)
5. To minimize the potential adverse effects on ground and surface waters, the use of detention, retention, and filtration stormwater facilities throughout the site will be provided. The stormwater facilities will be used to treat and attenuate before discharging into wetlands and discharge facilities.(ADA/Page 34)

6. Specific stormwater facilities and locations and elevations of proposed control structures will be determined during the design and permitting phase of the Project. (ADA/Page 49)
7. The discharge rate from system outfalls will be regulated by control structures that will limit the post-development discharge to the pre-development rate during a 25 year, 24-hour design storm event. Control structures will be baffled to preclude the discharge of floatables and be provided with bleed-down orifices or V-notches sized to meet SWFWMD criteria.(ADA/Page 50)
8. The Developer and/or his assigns, including possible purchasers of individual development tracts, will assume the responsibilities to manage the stormwater management system as development occurs. Operation and maintenance entities will be identified during construction permitting as required by SWFWMD. Portions of the system may be dedicated to, or conveyed to, such entities as property owner associations, community development district(s), and/or Manatee County, which have the capacity to operate and maintain the system.(ADA/Page 52)
9. The stormwater management system shall be designed to maintain the natural hydroperiod of the receiving wetlands, and to meet or exceed the requirements for development within the Frog Creek Drainage Basin. [SR3/Proposed Development Order Condition 5.E.(1)]
10. Low impact development techniques are encouraged to be used throughout the development. These techniques shall include, but are not limited to the following [SR3/Proposed Development Order Condition 5.E.(9)]:
 - Retention of the maximum amount of existing native vegetation; Shallow vegetated swales in areas where practicable, including parking;
 - Appropriate Florida-friendly plant selections;
 - Small, recessed garden areas throughout landscaped areas;
 - Porous pavement and other pervious pavement technologies;
 - Stabilized grass areas for overflow parking; and
 - Stormwater reuse.

Specific requirements for implementation of these and/or other techniques shall be stipulated in the accompanying Zoning Ordinance.

11. Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the

program has the technical expertise to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan shall prevent Manatee County from issuing further site plan approvals. [SR3/Proposed Development Order Condition 5.E.(10)]

12. The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report through project buildout. [SR3/Proposed Development Order Condition 5.E.(11)]
13. The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report through project buildout. [SR3/Proposed Development Order Condition 5.E.(11)]

SOLID/HAZARDOUS/MEDICAL WASTE

1. Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous and medical materials and proper procedures for the handling and disposal of such materials.[SR3/Proposed Development Order Condition 5.1(1)]

TRANSPORTATION

1. The applicant has agreed to coordinate/communicate with Manatee County Area Transit regarding potential transit amenities when appropriate and/or requested. In addition, the Developer has proposed imposing a stipulation “to require a transit analysis at the time 50% of the development is requested in the form of a Final Site Plan.”(SR1/Response to Manatee County #9-5.d./Page 4)
2. No Land Use Equivalency Matrix is proposed for the project.(SR2/Responses to TBRPC #10 Page 6 & #21-13/Page 16 and SR3/Response to TBRPC #10-2/Page 3).

AIR QUALITY

1. In an effort to minimize the amount of fugitive dust, clearing and demolition [of “two small permanent office buildings] will be staged only to those areas where construction is scheduled to proceed. Additionally, the cleared or disturbed areas will be treated with sodding, seeding, and/or mulching to further minimize the generation and impact of fugitive dust.(ADA/Page 59)

HURRICANE PREPAREDNESS

1. The Developer shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc. [SR3/Proposed Development Order Condition 5.L.(1)]

AFFORDABLE HOUSING

1. The Applicant has proposed a voluntary affordable housing/workforce housing program (ADA/Page 65; SR1/Page 22).
 - The Developer may provide up to 54 units within the project that satisfies the requirements of the “affordable” or workforce/essential worker” housing as defined by the Manatee County Land Development Code. The final number of combined affordable or workforce/essential worker units to be equal to 10% of the total number of residential units constructed within the Project.
 - The 54 units shall qualify on the first sale or rental to an end user as workforce housing as defined by Manatee County Land Development Code. The maximum sales price for the workforce housing units shall be based upon current workforce sales price as established by the methodology in the Manatee County Land Development Code and may be modified each year as determined by Manatee County.
 - The proposed units may be provided as either for sale units or for rent multi-family units provided the rental rates meet the requirements within the Manatee County Local Housing Assistance Plan.
 - As an alternative to the construction of units, the Developer may elect to contribute to the Voluntary Affordable Housing Mitigation Program a payment of \$108,000 (54 units x \$2,000 each), in terms of 2014 dollars, to the Manatee County Neighborhood Services Department or its designated

Housing Assistance Program to fully satisfy any affordable or workforce housing requirements for the Robinson Gateway DRI.

- The Voluntary Affordable Housing Mitigation Program payment shall be made at time of building permit for each residential unit on the project and payable at the rate of \$200 per residential unit in terms of 2014 dollars. (542 units x \$200 per unit = \$108,400).
- Residential units sold within the Robinson Gateway DRI that meet the Maximum Income Limits for qualifying individual(s) or Maximum Sales Price requirements for affordable or workforce housing as identified by the Manatee County Maximum Income Limits Table shall not require voluntary cash mitigation payment described in Stipulation M.(6) above, and shall apply to satisfaction of the requirement to provide “affordable” or “workforce/essential worker” housing. These units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sales price and income limits in effect at the time a contract for purchase of an affordable or workforce housing unit is executed shall apply.
- Residential units rented within the Robinson Gateway DRI that qualify as affordable housing or are equal to or less than a monthly mortgage payment for a workforce housing unit as identified by the Manatee County Maximum Income Limits Table shall not require the cash mitigation payment described in Stipulation M.(6) above, and shall apply to satisfaction of the requirement to provide “affordable” or “workforce/essential worker” housing. These units shall also receive all applicable incentives described in Section 1302 of the Manatee County Land Development Code for affordable and workforce housing. These maximum income limits and maximum sales prices are updated periodically by Manatee County and shall be utilized accordingly. The maximum sales price (and rental equivalent) and income limits as well as the proposed price range of rental units in effect at the time a certificate of occupancy is issued for a multi-family residential building containing affordable and/or workforce housing units shall apply.
- In lieu of the cash mitigation payments required above, either in whole or in part, Robinson Gateway DRI may propose for TBRPC, the State Land Planning Agency, and Manatee County approval, one (1) or more "on-site" affordable or workforce/essential worker housing programs to satisfy such obligation by one (1) or more of the following types of programs; provision of land for other affordable housing programs; provision of affordable rental or purchase subsidy assistance; provision of down payment, closing cost or

other acquisition cost assistance; provision of financial assistance; or other affordable housing assistance deemed appropriate and suitable, in whole or in part, by TBRPC, the State Land Planning Agency, and Manatee County. If one or more such "on-site" programs are approved, then the funds in the mitigation special revenue fund above, shall be utilized for such program(s).

- The Developer shall include in its Biennial Report data showing the number and sale prices of affordable and/or workforce housing units sold or rented within the reporting period. The Biennial Report shall identify the sale of any unit via the property appraiser data for sales date. Rental shall include documentation on the number of units, rental rate and duration of initial contract. The Developer shall also report the amount of voluntary cash mitigation payments made for residential units that do not qualify as affordable or workforce housing units.
- The Developer retains the right to perform an affordable housing analysis consistent with 9J-2.048, Florida Administrative Code, at any time during development of the DRI to determine the affordable housing need created by the project and appropriate mitigation, if necessary, to be applied to the remainder of the project, subject to the concurrence of Manatee County, TBRPC, and the State Land Planning Agency.
- The Developer shall attempt to maintain the 10% ratio of workforce/affordable units to make the necessary mitigation payments throughout the development schedule. Should the project develop mitigation units in excess of 10% at any time, any exceedance of mitigation units shall be credited towards future development of the project. If during any biennial reporting period it is determined that the project had developed or paid the cash mitigation for less than 10% ratio, the mitigation payments or units may be requested by the County.

POLICE & FIRE PROTECTION

1. The Applicant will provide some form of private on-site security while construction is occurring (SR1/ Page 23).
2. Developers of individual parcels within the master planned community will be encouraged to consider these "firewise techniques" [identified in SRPP Policy 4.158] as construction occurs. (SR1/Response to TBRPC #10-6/Page 7)

RECREATION AND OPEN SPACE

1. The Applicant commits to approximately 30 acres of community open space/park to be contained within the project, all to be privately maintained (ADA/Page 68).
2. All open space and recreational facilities within the Project site will be maintained by the Developer or its successors such as a Homeowners Association or a Community Development District. (ADA/Page 68)
3. The Applicant will provide connection to the greenways trails along Carter Road (ADA/Page 68).
4. The Developer is providing land necessary for the County to continue the greenways trail along Carter Road if it chooses to do so... There is no request for compensation at this time. (SR1/Response to TBRPC#26/Page 23)
5. Greenways, nature trails, parks, environmentally-sensitive features, open space, and recreation facilities shall be maintained by the Developer or successors such as a Homeowners association, CDD, other legal entity and/or directed by the permitting agencies, unless otherwise approved by the County. [SR3/Proposed Development Order Condition 5.J.(1)]

ENERGY

1. Methods of energy conservation include those items set forth in the Manatee County Building Code to encourage energy efficiency, including increased insulation, cross ventilation, use of solar heating and cooling when practicable, use of energy star and other high efficiency appliances and mechanical devises, as well as low pressure sodium lamps for external lighting when possible. Additional energy conservation measures will include when possible (i) the provision of bicycle and/or pedestrian systems connecting land uses; (ii) the provision of bicycle racks or storage facilities; (iii) cooperation with the Manatee and Sarasota County Transit Authorities to locate bus stops and other transit system accommodations, and (iv) use of native shade trees and other vegetation to provide shade in selected areas in an effort to reduce cooling costs and energy demand (ADA/Page73-74).
2. The developer shall incorporate energy conservation measures into the site design building construction, and landscaping to the maximum extent feasible. [SR#/Proposed Development Order Condition 5.N.(1)]
3. The Developer shall work with TECO/Peoples Gas, or other similar provider, to encourage the availability of natural gas within the Project.[SR#/Proposed Development Order Condition 5.N.(2)]

4. The Developer shall be required to make Contribution in Aid of construction in order for FP&L to provide service, and shall provide FP&L site survey and electrical load data as soon as possible so the necessary engineering can begin. [SR3/Proposed Development Order Condition 5.N.(3)]

HISTORICAL & ARCHAEOLOGICAL

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the Project site area, the Project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The applicant, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at 850/245-6333 or 800/847-7278, as well as the appropriate agency office. Project activities should not resume without written authorization from the Division of Historical Resources.

In the event that unmarked human remains are encountered during Project-related activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. [SR3/Proposed Development Order Condition 5.F(1)]

SECTION 7. LEGAL DESCRIPTION:

DESCRIPTION: PARCEL A

FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST, RUN N 41°28'32" W, A DISTANCE OF 53.73 FEET TO THE POINT OF BEGINNING ALSO BEING THE INTERSECTION OF THE MAINTAINED WESTERLY RIGHT OF WAY LINE FOR CARTER ROAD AND THE NORTHERLY MAINTAINED RIGHT OF WAY LINE FOR MOCCASIN-WALLOW ROAD; THENCE WESTERLY ALONG SAID MAINTAINED RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) N 89°32'34" W, A DISTANCE OF 2626.93 FEET; (2) THENCE N 89°32'02" W, A DISTANCE OF 297.01 FEET; (3) THENCE N 30°04'41" W, A DISTANCE OF 34.29 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL NO.111 SECTION 13075-2406, STATE ROAD NO. 93-A (I-75); THENCE N 89°33'38" W ALONG SAID DEEDED RIGHT OF WAY LINE, A DISTANCE OF 547.10 FEET; THENCE N 01E00'06" E, A DISTANCE OF 2461.38 FEET; THENCE S 89°32'51 E ALONG THE SOUTH LINE OF THE NORTHERLY 2821.6 FEET OF SECTION 15, A

DISTANCE OF 3499.72 FEET; THENCE S 01°15'15" W ALONG THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF CARTER ROAD, A DISTANCE OF 2491.21 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 199.43 ACRES.

DESCRIPTION: PARCEL C

COMMENCING AT THE S.W. CORNER OF SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE N 01°01'39" E, ALONG THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 106.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 01°01'39" E, ALONG SAID WEST LINE, A DISTANCE OF 1144.95 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF I-75; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FOUR COURSES: (1) N 39°48'44" E, A DISTANCE OF 308.17 FEET; (2) THENCE N 50°11'06" W, A DISTANCE OF 96.00 FEET; (3) THENCE N 39°48'44" E, A DISTANCE OF 788.64 FEET; (4) THENCE N 40°57'29"E, A DISTANCE OF 486.57 FEET, THENCE S 89°32'27"E, A DISTANCE OF 874.15 FEET; THENCE S 01°00'06" W, A DISTANCE OF 2461.38 FEET TO THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FIVE COURSES: (1) N 89°33'38" W, A DISTANCE OF 782.90 FEET; (2) THENCE N 00°26'22" E, A DISTANCE OF 30.00 FEET; (3) THENCE N 89°33'38" W, A DISTANCE OF 600 FEET; (4) THENCE N 85°07'10" W, A DISTANCE OF 103.31 FEET; (5) THENCE N 89°33'38" W, A DISTANCE OF 313.54 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 15, TOWNSHIP 33, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 88.52 ACRES, MORE OR LESS.

SECTION 8. RESTRICTIONS ON DOWN-ZONING:

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the condition 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 in intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for change 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 of the Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 10. RENDITION:

Manatee County is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the State Planning Agency and TBRPC.

SECTION 11. 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 Manatee County with a copy of the recorded notice.

SECTION 12. 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 13. EFFECTIVE DATE:

This Ordinance, Ordinance 15-14, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 2nd DAY OF April, 2015.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Betsy Benac, Chairman

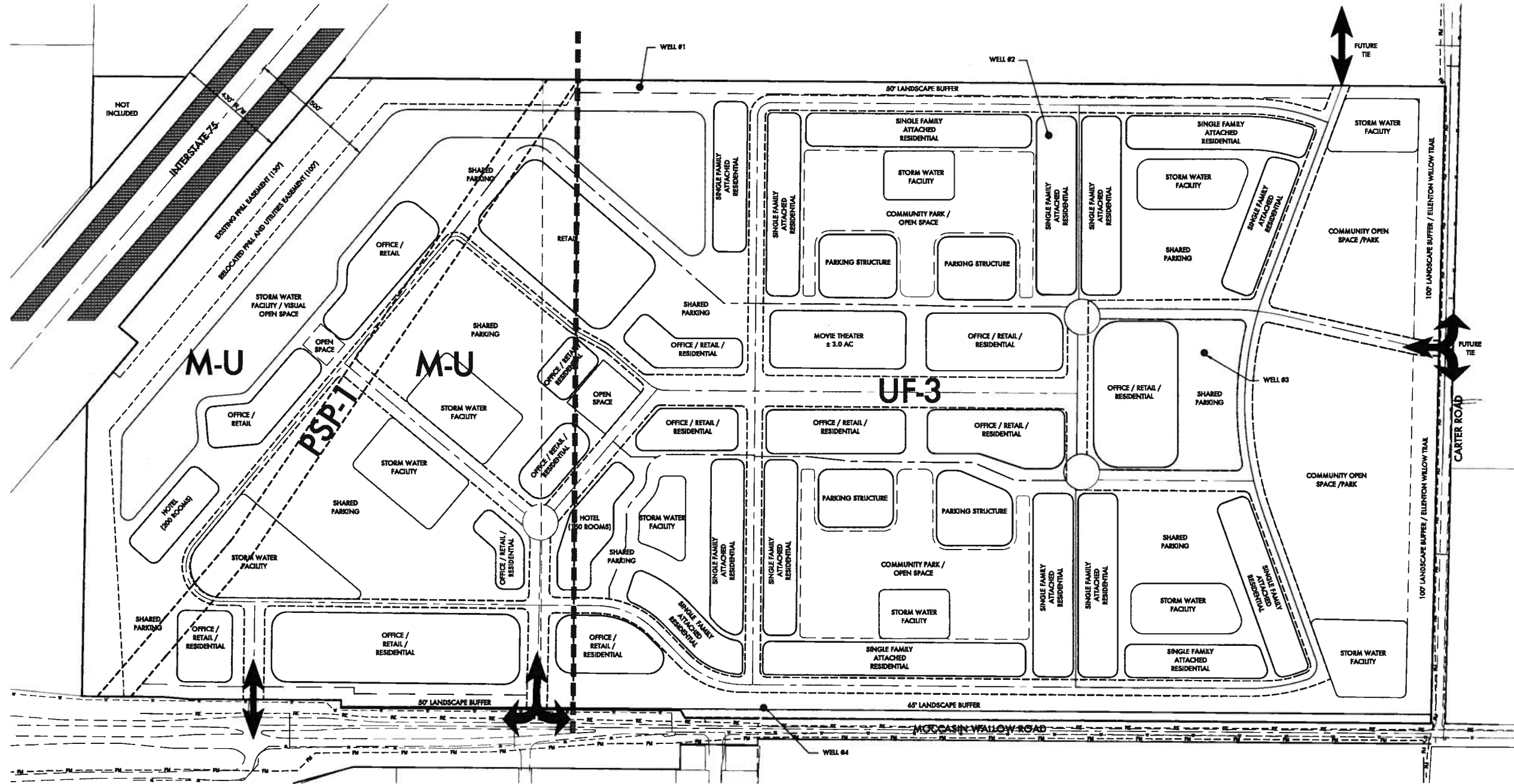
**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

BY: 
Deputy Clerk

Attachments to Ordinance 15-14 (f.k.a.14-45)

Exhibit A – Map H

Thu, 30 Jan 2014 4:06pm X:\Acad\ROBINSON GATEWAY\PLANNING\ROBINSON GATEWAY - MAP H.dwg



LAND USE SUMMARY:

LAND USE	UNITS/SF	ACRES
SINGLE FAMILY RESIDENTIAL	320 UNITS	±47.6 AC
OFFICE / RETAIL / RESIDENTIAL	200,000 SF/300,000 SF/ 222 UNITS	± 26.0 AC
RETAIL	500,000 SF	± 5.5 AC
OFFICE / RETAIL	400,000/100,000 SF	± 4.0 AC
MOVIE THEATER	1,750 SEATS	± 3.0 AC
HOTEL	350 ROOMS	± 3.0 AC
PARKING STRUCTURES	4	± 6.0 AC
SHARED PARKING		± 37.0 AC
EASEMENTS, RIGHTS OF WAY, PARKS, STORM WATER FACILITIES, OPEN SPACE & BUFFERS		± 153.8 AC
TOTAL		± 287.9 AC

OPEN SPACE SUMMARY

COMMUNITY OPEN SPACE	± 40.0 AC
STORM WATER FACILITIES	± 35.0 AC

FUTURE LAND USE CATEGORIES

M-U	± 88.0 AC
PSP-1	± 4.85 AC
UF-3	± 199.0 AC

NOTE: PROJECT WILL BE COMPLETED IN ONE (1) PHASE TO 2025.

ZNS ENGINEERING
 ENGINEERS | PLANNERS | SURVEYORS
 LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS



REVISIONS

NO.	DATE	DESCRIPTION
1	2/20/14	ISSUED FOR PERMIT
2	2/20/14	ISSUED FOR PERMIT
3	2/20/14	ISSUED FOR PERMIT
4	2/20/14	ISSUED FOR PERMIT
5	2/20/14	ISSUED FOR PERMIT
6	2/20/14	ISSUED FOR PERMIT
7	2/20/14	ISSUED FOR PERMIT

MAP H
 FOR
ROBINSON GATEWAY
 LOCATED IN
 SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST
 MANATEE COUNTY, FLORIDA

DESIGNED: JVA
 DRAWN: JVA
 DATE: 1/17/2014
 JOB NO: 08-11548
 SCALE: 1"=200'
 SHEET



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 7, 2015

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 15-14, which was filed in this office on April 6, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb