

Option A

ORDINANCE 92-30
(fka ORDINANCE 91-108)

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY MAGNOLIA MANAGEMENT CORPORATION FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 21), ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY, FLORIDA
APR 23 11 14 AM '92

SECRETARY OF STATE
APR 20 2 49 PM '92

FILED

Upon motion by Commissioner Edward W. Chance, seconded by Commissioner Joseph McClash, the following ordinance was adopted by a vote of six to zero.

WHEREAS, on September 26, 1990, Magnolia Management Corporation filed an Application for Development Approval* of a Development of Regional Impact (DRI) with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately one thousand, sixty-five acres, located in north Manatee County, hereinafter referred to as "Gateway North DRI" or the "Project*"; and

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, is authorized and empowered to consider and approve Applications for Development Approval* for Developments of Regional Impact; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the Application for Development Approval* and has filed a recommendation on said Application for Development Approval* with the Manatee County Board of County Commissioners; and

WHEREAS, the Manatee County Board of County Commissioners has received and considered the report and recommendation of the TBRPC; and

WHEREAS, the Board of County Commissioners of Manatee County on December 12, 1991, January 23, 1992, February 4, 1992, February 19, 1992, March 12, 1992 and April 9, 1992 held duly noticed public hearings on said Application for Development Approval* and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County* and City agencies, and the applicant, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 9TH DAY OF APRIL, 1992, AS FOLLOWS:

92-30 Gateway North - Develop. Order

SECTION 1. FINDINGS OF FACT:

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

- A. The Board of County Commissioners of said County has received and considered the report of the Manatee County Planning Commission concerning the DRI and the application for Official Zoning Atlas amendment as it relates to the real property described in Section 7 of this Ordinance of an Application for Development Approval*, pursuant to Section 380.06, Florida Statutes. The report was rendered on April 9, 1992, following public hearing.
- B. That said Board of County Commissioners held a public hearing on December 12, 1991, January 23, 1992, February 4, 1992, February 19, 1992, March 12, 1992 and April 9, 1992 regarding the said DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code) and Ordinance No. 89-01 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments and information received at the public hearing.
- C. The proposed DRI regarding the property described in Section 7 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (The Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.
- D. The Developer* of the Project* submitted to Manatee County, Florida an Application for Development Approval* which included a Sufficiency Response, which is incorporated herein by reference.
- E. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment 1).
- F. The real property which is the subject of this Development Order is legally described as set forth in Section 7 herein.
- G. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agents and their addresses for the Project* are Georgianne Ratliff, 7550 Lorraine Road, Bradenton, Florida 34202, and David Smith or David Cooley, Smith and Williams, Old Hyde Park, 712 South Oregon Avenue, Tampa, Florida 33606-2569.
- I. The owner of the property, which Magnolia Management Corporation intends to develop, is Property Reserve, Inc., a Utah corporation.
- J. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 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 Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 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 September 16, 1991.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
- C. That the review by the County*, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. 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. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service has been issued for the land uses listed in Phase 1, Table 2, and Phases 2 and 3 are conceptually approved. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3, the Development Order must be amended, and Certificates of Level of Service must be obtained for Phases 2 and 3 for land uses and acreage, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage and solid waste, as required by the Manatee County Land Development Code.

TABLE 1
LAND AREA AND USES

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>	<u>Column D</u>	<u>Column E</u>
<u>Use</u>	<u>Acres</u>	<u>Square Feet</u>	<u>Units</u>	<u>Land Use Exchange Maximum Increase</u>
Office	75.8	960,500		6 acres, or 60,000 sq. ft.
Office/ Service	35.7	397,500		6 acres, or 60,000 sq. ft.
Commercial	30.4	445,200		6 acres, or 50,000 sq. ft.

Residential				
Single Family	297.3	1,647)	Increase of com-
)	bined resident-
)	ial dwelling
)	units of 171 dus,
Townhouse	48.7	431)	regardless of
Multi-Family	68.4	1,348)	type
)	
Lake	72.9			
School	15.9			
Park	24.3			
Recreation Center	5.3			
Wetlands	153.4			
Mitigation	26.5			
Detention	151.6			
Open Space	8.8			
R.O.W.				
Transmission Lines	50.0			
Totals:	1,065.0+	1,803,200	3,426	
	=====	=====	=====	

The amounts of the various uses (Residential, Commercial, Office and Office/Service Center*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table 1 above, provided that the final Project* meets the following conditions:

- a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.
- b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space and R.O.W. Transmission Lines.
- c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 3A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

	Phase 1: 1992-1997	Phase 2: 1998-2004	Phase 3: 2005-2011	Totals
Residential (dus):				
Single Family	550	550	547	1,647
TH	120	155	156	431
Multi-Family	330	515	503	1,348
Totals:	1,000	1,220	1,206	3,426
Commercial (sq. ft.)	160,000	150,000	135,200	445,200
Office (sq. ft.)	260,500	300,000	400,000	960,500
Office/Service Center* (sq. ft.)	100,000	150,000	147,500	397,500
School (acres)	15.9			15.9
Park (acres)	24.3			24.3
Recreation Center (acres)		5.3		5.3

The mix of approved land uses within individual phases may vary from that shown in Table 2, provided that the following conditions are met:

- a. The number of Residential units within any phase may not be increased or decreased by more than five hundred dwelling units.
 - b. The square footage of Commercial within any phase may not be increased by more than one hundred fifty thousand square feet or decreased by more than one hundred thousand square feet.
 - c. The square footage of Office within any phase may not be increased more than seventy thousand square feet or decreased by more than one hundred thousand square feet.
 - d. The square footage of Office/Service Center* within any phase may not be increased more than ninety-nine thousand square feet or decreased by more than fifty thousand square feet.
- C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage and parks, and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Site Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

A subsequent phase will be deemed to have commenced at the beginning of a calendar year indicated as the beginning of a phase as shown in Table 2 and/or when the Project* has utilized the capacity set aside for the preceding phase in any one of the following: transportation; potable water; wastewater treatment; solid waste disposal; mass transit; drainage and parks; and recreation. The Project* status will be monitored by the County through the Certificate of Level of Service Compliance process.

The Land Use Exchange request shall contain information sufficient to enable the County to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The impacts will be measured based upon the relevant factors currently used by the County (e.g., ITE Trip Generation Rates, EDU tables, solid waste generation factors, etc.). The Developer* shall verify the appropriate factors with County staff prior to the submittal of any such Land Use Exchange request.

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed establishing to the satisfaction of the County that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles) and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor/generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution and/or particular roadway segments designated by the County.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

SECTION 4. DEFINITIONS:

Note: An asterisk (*) denotes that the word is defined. The definitions contained in Chapter 380, Florida Statutes shall apply to this Development Order in addition to those listed herein.

- A. "Application for Development Approval*" or "ADA*" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Attachments 2 and 3 (Revised Map H and Preservation/Conservation Map, respectively).
- B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, 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 would 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 the Board of County Commissioners for Manatee County, or their designee.
- D. "Developer*" shall mean Property Reserve, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its 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 and/or Construction Drawing approval where site plans or subdivision plats are not required.
- F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.
- 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;
 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. "Office/Service Center*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.
- I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map attached hereto as Attachment 3.
- J. "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.
- K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

SECTION 5. DEVELOPMENT CONDITIONS:

Transportation

- A.(1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.
- A.(2) The existing I-75 frontage road will be extended through the property at the cost of the Developer* and dedicated to the County* prior to Development Approval* of Phase 2, but in all events prior to development of the office pod located contiguous to the frontage road as extended, which will use the frontage road for ingress and egress.
- A.(3) Provisions will be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road in later phases. This road will be constructed at the cost of the Developer* prior to Development Approval* of Phase 2 or prior to Development Approval* for

the neighborhood commercial proposed at the intersection of Gateway Boulevard and Buckeye Road, whichever occurs first. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

- A.(4) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.
- A.(5) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
- A.(6) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.
- A.(7) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.
- A.(8) When Certificates of Occupancy have been issued for 280,000 square feet of commercial space (land use 820 of Trip Generation, Fourth Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
- A.(9) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Organization, Florida Department of Transportation (FDOT) and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates the total peak hour trips are not being diverted reasonably commensurate with those anticipated, Manatee County shall decide whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes for the purpose of determining amendments or other requirements to be added to the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but shall not be limited to:

POLICY: Promote ride sharing by private and public sector employees.

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by 10% by 1995 through expanded ride sharing efforts.
- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 1995.

A.(10) The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project*. In order to maintain adequate levels of service in the area, several options are available:

1. For approval of all Phase 1 development, funds must be committed by responsible entities for construction of all improvements listed in Table 3 by the end of the second year from the effective date of this Development Order.
2. The Developer* may elect to proceed with subphases of Phase 1 pursuant to the subphase traffic analysis provided as part of the ADA*. Specific approval is granted for the first subphase of development, which generates up to 500 p.m. peak hour inbound external trips or 587 p.m. peak hour outbound external trips, whichever is the lesser. In order to proceed beyond the first subphase, the westbound left turn lane at Moccasin Wallow and U.S. 41 must be under construction or committed for funding in the first year of the capital improvement program or work program. When such improvement is under construction, or so committed, specific approval is hereby given for the second subphase, which allows for development which generates up to 617 p.m. peak hour inbound external trips or 671 p.m. peak hour outbound external trips, whichever is the lesser. In order to proceed beyond the second subphase, the improvement of Moccasin Wallow Road to a four lane divided cross section to Ellenton-Gillette Road must be either under construction or committed for funding in the first year of a capital improvement program or work program. Access and intersection signalization improvements will be provided as required by site development and when signal warrants are met.

A.(11) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase

described in Table 2, the Developer* shall have the option to submit to the County*, the State, and the TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s) and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

TABLE 3

The following roadway link was determined to be a required link improvement for Phase 1 of the Project* due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

<u>Link</u>	<u>From</u>	<u>To</u>	<u>Improvement</u>
Moccasin-Wallow	Ellenton-Gillette	I-75	2LD to 4LD

The following intersection improvements were determined to be required intersection improvements for the Project* due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS).

Note: In the table below, WB shall mean westbound, SB shall mean southbound, and EB shall mean eastbound.

<u>Location</u>	<u>Required Improvement</u>
Moccasin Wallow @ U.S. 41	Signalize WB left turn lane
Moccasin Wallow @ Ellenton-Gillette	Signalize
Moccasin Wallow @ Frontage Rd.	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road A (Gateway Boulevard)	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road B (Westernmost link to internal loop roadway)	Signalize SB left turn lane

SB right turn lane
 WB right turn lane
 WB through lane
 EB left turn lane
 EB through lane

Moccasin Wallow @ I-75 (west ramps) Signalize
 Moccasin Wallow @ I-75 (east ramps) Signalize
 Moccasin Wallow @ U.S. 301 Signalize

Wetlands

- B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy and as depicted on the attached Preservation/Conservation Map shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4).
- B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas* as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Environmental Action Commission (EAC), the Department of Environmental Regulation (DER) or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.
- B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* on the attached Preservation/Conservation Map, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios in limited circumstances, but in no instance at a ratio of less than 1.15:1.
- B.(4) Table 16.1 attached hereto with Figure 16.1 (Attachments 4 and 5, respectively) identify wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Those wetlands identified in said Table and Figure to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Table SR16-1 and Figure 16.1 from the Sufficiency Response to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.
- B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* and the EAC for approval, and to the TBRPC, DER and the SWFWMD for review prior

to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

1. The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:

- a. Identification of existing dry and wet season site conditions;
- b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
- c. Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- d. Narrative descriptions of any proposed wetland restoration activities and related issues;
- e. Estimated costs of wetland mitigation/restoration schemes; and
- f. Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants and/or mulch;
 - (5) Source of wetland soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require type-for-type wetland replacement in accordance with the Manatee County Land Development Code. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers/setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C.(1) The Developer* shall provide a wildlife and listed plant species management plan for the Project*, in accordance with Florida Game and Freshwater Fish Commission (FGFWFC) management guidelines and receive administrative approval by the FGFWFC, the County* and the EAC prior to any site alteration. The Wildlife Management Plan shall address all listed species observed on site, or which are observed frequenting the site for nesting, feeding, or breeding, to include gopher tortoises, Sherman's fox squirrels, sandhill cranes and other wading birds. This plan shall also include information on upland and wetland preserve habitat protection and management, as well as information on site maintenance, fire frequency, wetland management and boundary protection. The plan shall identify the bound entity for implementation, management, and financial responsibility.
- C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the wildlife management plan referenced in Condition C.(1).
- C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EAC for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.
- C.(4) As part of the wildlife management plan referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the attached preservation/conservation map.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EAC consistent with the provisions of the Manatee County Comprehensive Plan.

Land

- D.(1) 1. The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:
- a. Sod, seed or plant embankment areas of stormwater detention and/or retention ponds;
 - b. Sod, seed, mulch or landscape cleared or disturbed areas as soon as possible after clearing and grading;
 - c. Limit site work and construction to areas needed for immediate development;
 - d. Develop asphalt roads as soon as possible;
 - e. Initiate landscaping before development work is completed on a site;
 - f. Construct sediment basins at the start of each drainage system phase;

- g. Utilize straw filter barriers and/or filter fabric at discharge points including, but not limited to, temporary discharge points; and
- h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

- E.(1) 1. The Developer* shall institute the following procedures to ensure dust control during development of the Project*:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving or excavation is completed by watering, revegetation, spreading soil binders or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, and/or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - f. Remove dust producing materials as soon as possible;
 - g. Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
 - h. Clean (sweep) paved roads adjacent to site as necessary;
 - i. Sod, seed, mulch or landscape cleared or disturbed areas, including embankment areas, of stormwater detention and/or retention ponds as soon as possible after clearing and grading;
 - j. Limit site work and construction to areas needed for immediate development;
 - k. Develop asphalt roads as soon as possible; and
 - l. Initiate landscaping before development work is completed on site.

- E.(2) Further Section 380.06, Florida Statutes, review will be required for air quality impacts, Phases 2 and 3, and this Development Order* must be amended prior to granting specific approval to Phases 2 and 3 to address any air quality impacts and specify any necessary mitigation.

Water Quality and Drainage

- F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DER, SWFWMD and the TBRPC for review and to the County* for approval. The

stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of the SWFWMD, the County* and the EAC, whichever is more stringent; to provide retention, or detention with filtration/assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rates for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

- F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Project*.
- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD and the DER for review, and to the County* for approval, prior to further Development Approvals*.
- F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County* and the SWFWMD. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DER, the County* and the SWFWMD. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional and local water quality standards as compared to stormwater entering the site. Any violation of Rule 17-3, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DER. The surface water quality monitoring plan shall include the following generalized provisions:
1. Pre-construction monitoring:
 - a. Sampling will be initiated at least one year before the start of construction.
 - b. Sampling events will be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater, until the start of construction.
 - c. Sampling locations will be at the five sites identified on page SR11/12-19 of the ADA* Sufficiency Response.

2. Construction monitoring:

- a. Sampling will be conducted as soon as practicable after each rainfall event of one inch or greater within the drainage basin(s) where construction activities are occurring. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.
- b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and the SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

- a. Sampling events will be conducted quarterly, two wet season and two dry season, and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout.
- b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and the SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

4. Monitoring Reports:

- a. Monitoring reports will be submitted to the County* on a quarterly basis during pre- and post-construction and monthly during construction.
- b. An official laboratory report shall also be submitted to the County*, the SWFWMD and the TBRPC as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County* and the SWFWMD. At a minimum, field tests at all sites will include temperature, ph, specific conductance, dissolved oxygen, and flow. Samples will be analyzed by a Florida certified laboratory for at least nutrients (total phosphorus, orthophosphorus, ammonia, nitrate, nitrite, TKN, total nitrogen) pesticides and herbicides, fluoride, oil and grease, metals (lead, cadmium, chromium, copper, zinc), suspended solids, turbidity, bacteria (total coliform, fecal coliform and fecal strep).

6. Proposed monitoring and official laboratory report formats shall be approved by the County* and the SWFWMD.

7. The Developer* will incorporate additional water quality treatment and/or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

- F.(6) Prior to any site alteration, the Developer* shall implement a ground water quality monitoring plan that is approved by the County* and the SWFWMD. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA*. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the DER and the EAC will be properly notified for further action.
- Upon completion of the groundwater program, a monitoring report will be submitted to the County* and the SWFWMD for review and approval. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved by the County* and the SWFWMD prior to commencement. An official laboratory report shall accompany the ground water monitoring report upon submittal. The report shall include recommendations regarding monitoring during construction and post-construction.
- F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.
- F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eight-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.
- F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

- G.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, the TBRPC, and the County*. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical

Resources, the TBRPC, and the County* for approval. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the 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-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing and/or metered water faucets shall be required in all public and commercial restroom facilities.
- H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.
- H.(8) Prior to construction, an economic feasibility study shall be conducted by the applicant and evaluated by the SWFWMD to examine the use of reclaimed water. This study shall be consistent with rules that are in place at the time of its initiation. It shall address the potential of meeting the water needs for residential irrigation, nonresidential irrigation, other uses that do not require potable water, and the installation of reclaimed water distribution lines. Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

- I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*.
- I.(2) No additional permanent septic system shall be permitted within the Project*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.
- I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs must be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39), which is attached hereto as Attachment 6.
- I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

- J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled or transported. The results of such a tenant questionnaire shall be included in each Annual Report.
- J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, the EAC, the DER, and the TBRPC and then distributed by the Developer* to nonresidential land users within the Project*.
1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

- b. Indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - f. Describe a program to inform owners and tenants of the information contained in the plan;
 - g. Describe construction requirements for hazardous waste holding areas;
 - h. Describe typical spill clean up methods; and
 - i. Be updated and distributed to each non-residential land user annually.
- J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J.(4) Large quantity hazardous waste generators and industrial/commercial park components which produce hazardous waste which is not suitable for recycling, exchange or reuse, shall be encouraged to develop permitable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.
- J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 332.5 acres of open space (approximately 154.4 acres of wetlands, 26.5 acres of mitigation area, and 151.6 acres of detention) in addition to approximately 102.5 acres of property (24.3 acres of park, a 5.3 acre recreation center and approximately a 72.9 acre lake) committed to recreation. The property designated for recreation purposes shall include a 24.3 acre public park site to be conveyed with necessary easements or right of way to provide access from Buckeye Road prior to any further Development Approvals* and which, prior to commencement of Phase 2, shall have a second means of public access from Gateway Boulevard. Also, recreation areas within the Project* must be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (5.3 acres with facilities) can be utilized as part of the approximately 102.5 acres of recreation oriented property and shall be available prior to any further Development Approvals* for Phase 2.

- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.
- K.(3) All recreation, park and wetland sites, as shown on Revised Map H of the ADA*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- K.(4) The Project's* parks and recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged.

Education

- L.(1) The Developer* shall dedicate to the County School Board usable land for one elementary school site at least 15.9 acres in size. This land shall be available to the School Board at any time during Phase 1 for the Project*, however, any necessary access to the site, water and/or sewer shall be the responsibility of the School Board if development of the school site occurs during Phase 1. At the time of the school site dedication to the School Board, the Developer* shall dedicate to the County* road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until Phase 2, connections for potable water and sanitary sewer shall be provided by the Developer*. The Developer* shall provide said connections upon completion of the road right-of-way connection between Moccasin Wallow Road and Buckeye Road, but in all events, prior to commencement of Phase 2. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County* for joint use of the recreational areas. The Project's* Master Stormwater Plan shall provide for the site's stormwater retention needs.
- L.(2) If the County School Board should decide the school is not required or the location is inappropriate, the Developer* shall be permitted to use all or a portion of the applicable parcel for residential development, provided the number of dwelling units approved for the Project* is not increased and provided the County* determines that all recreational Level of Service standards are met. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police and Fire

- M.(1) The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the

approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

- M.(2) The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1, or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.
- M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.
- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

- N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.
- O.(2) 1. All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;
 - e. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
 - g. Institute and utilize recycling programs;
 - h. Utilize energy efficient packaging and/or recyclable materials;
 - i. Install total energy systems on large facilities when cost effective; and
 - j. Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

- P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

- P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project* and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project*. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project* experience. If such analysis indicates that the Project* will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project* or if such analysis indicates that the Project* would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.
- At a minimum, the HAIP shall contain:
- o Specific provisions for on-site housing delivery, including housing delivery alternatives;
 - o Specific provisions for off-site housing in addition to on-site housing when on-site housing would be impracticable;
 - o Specific mechanisms for HAIP implementation;
 - o Provisions to ensure continued adequacy of units provided; and
 - o Monitoring provisions.
- P.(6) A Master Preliminary Site Plan for each phase shall be required.
- P.(7) The Developer* shall make all efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.
- P.(8) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall

require a Substantial Deviation Determination, pursuant to Subsection 380.06(19)(a), Florida Statutes.

P.(9) The Developer*, its successors, assigns and/or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County* and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director 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 Annual Report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing or 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 original DRI site since the Development Order was issued;
- 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*, the TBRPC or the DCA, and 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 Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

SECTION 6. DEVELOPER* COMMITMENTS:

The following are Developer* commitments set forth in the ADA* which shall be honored by the Developer*, except as they may be superseded by specific terms of the Development Order.

A. Air

As areas are cleared, the contractor will be required to sod, seed, mulch or landscape the cleared areas as soon as possible. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. Wind erosion will be controlled through sprinkling or other appropriate means. (ADA* 13-6)

The contractor will seek to control dust emissions during construction by watering, reducing equipment speed on temporary roadways and removing dust producing construction debris as soon as possible. (Sufficiency Response [SR], page 13-7)

B. Water

The proposed development will incorporate, to the extent practical, both structural and nonstructural Best Management Practices* to mitigate any potential adverse impacts to the receiving waters. (ADA*, 15-21)

Normal water levels in the lakes will be matched to the hydroperiod of the existing adjacent wetland in order for the systems to function as one. (ADA*, 16-4)

As soon as feasible, stormwater from construction sites will be directed into proposed retention ponds to reduce surface runoff. (ADA*, 16-5/6)

A surface water quality monitoring program will be completed. This monitoring program will start prior to beginning any work on the site that might degrade stormwater, and will continue through Project* build-out. (SR, 11/12-18)

C. Vegetation and Wildlife

A management plan for the protection and maintenance of the natural features of these habitats, will be established. (SR, 18-2)

In regard to the negative influences of domestic pets, exotic plant landscaping, and domestic toxic chemicals, the

applicant will provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

Water quality treatment will be provided for the first one inch of runoff for the entire site by wet detention systems. (ADA*, 22-1)

The construction of the stormwater management system will be adequate to meet or exceed the requirements of the OSFWMD. (ADA*, 22-2)

The wet detention ponds will provide water treatment which meets the SWFWMD's requirements, as specified under Chapter 40-D-4, Florida Administrative Code by allowing the water to be treated by existing or created wetlands. (ADA*, 22-2)

The volume of runoff required to be treated, as per Chapter 17-25, Florida Administrative Code will be detained within the wet detention ponds. (ADA*, 22-4)

The swales will be designed in accordance with the SWFWMD requirements for a 10 year storm event. To reduce the potential for mosquito breeding, the swales will be designed to remain dry under normal conditions and will contain standing water only for short periods of time. (ADA*, 22-6)

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge will be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

The feasibility of receiving effluent for irrigation from the North County Wastewater Treatment Plant will be investigated. (ADA*, 23-4)

Any private wells for irrigation will be permitted through the appropriate agency. (ADA*, 23-4)

Nonpotable water for irrigation will be supplied by wells and/or wastewater effluent transmission lines, as discussed in Section 23.B and as required by the County*. (ADA*, 23-7)

The use of water conserving plumbing fixtures will be encouraged in accordance with the Florida Water Conservation Act of 1987. (ADA*, 23-7)

F. Solid Waste

Any light industrial use which may require additional safeguards (for use, storage or transport of regulated substances) will comply with applicable federal, state and local regulations. (ADA*, 15-20)

As required by general law, the Developer* will notify its employees should there be hazardous material utilized by the Developer*. (SR, 24-2)

The applicant will investigate all appropriate recycling efforts, both during and after construction (SR, 24-3)

Energy

The applicant will coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)

Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

All building design and equipment selection for the Project* will meet the requirements of the Southern Standard Building Code and the Florida Energy Efficiency Code for building construction. (ADA*, 25-3/4)

Alternative energy sources will be considered for the Project* and implemented wherever practical. (ADA*, 25-4)

The Developer* will undertake, where feasible, the energy conservation measures identified on page 25-3 and 25-4 of the ADA*. (SR, 25-1)

H. Recreation and Open Space

The park site will be open to the general public. Other recreational and open space amenities will be for persons living and working at Gateway North. (ADA*, 27-2)

Sidewalks and bike paths will be provided throughout the development, as required by the Manatee County Land Development Code. (SR, 11/12-7)

I. Education

The 15.9 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

The Developer* will pay all legally applicable Emergency Medical Service impact fees. (ADA*, 28-1)

K. Fire

The water distribution system will be designed to meet the County* fire flow standards. (ADA*, 23-1)

The development will meet or exceed the fire flow and water pressure requirements established by the Manatee County Comprehensive Plan. (SR, 30-3)

L. Transportation

The Developer* is committed to implementation of the roadway improvements identified in the response to Question 31 of the DRI/ADA*. (SR, 13-3)

SECTION 7. LEGAL DESCRIPTION:

A parcel of land lying in Sections 9, 16, and 17, Township 33 South, Range 18 East, Manatee County, Florida, said parcel being more particularly described as follows:

Commence at the Southeast corner of said Section 16, Township 33 South, Range 18 East, Manatee County, Florida, run thence N 01°01'40" E, 2085.96 feet along the East boundary of the Southeast 1/4 of said Section 16, to the intersection with the Northerly Limited Access right of way line of State Road No. 93A (I-75), said point being the POINT OF BEGINNING; thence along said Northerly Limited Access right of way line the following four (4) courses; 1) S 40°08'56" W, a distance of 544.94 feet; 2) S 44°08'20" W, a distance of 542.49 feet to a point on a non-tangent curve; 3) Southwesterly, 339.04 feet along the arc of a curve to the right having a radius of 2770.79 feet and a central angle of 07°00'39" (chord bearing and distance S 47°38'19" W, 338.83 feet); (4) S 51°07'07" W, a distance of 498.24 feet to a point on the East boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence N 00°46'26" E, a distance

of 193.65 feet along said East boundary of the Southwest 1/4 of the Southeast 1/4 of Section 16, said line also being right of way line for State Road No. 93A (I-75) Access Road; thence along said Northerly right of way line for Access Road as shown on F.D.O.T. Map for State Road No. 93A (I-75) the following three (3) courses; 1) S 48°35'25" W, a distance of 1016.87 feet; 2) S 64°50'22" W, a distance of 142.57 feet; 3) S 88°08'11" W, a distance of 266.86 feet; thence N 02°48'55" E, a distance of 128.56 feet along the Easterly Boundary of the property as described in Official Record Book 291, Page 245 of the public records of Manatee County, Florida; thence N 87°06'31" W, a distance of 172.71 feet along the Northerly boundary of said property as described in O.R. Book 291, Page 245, to the intersection with the Easterly right of way line of Gillett Road (56th Avenue); thence N 00°39'28" E, a distance of 779.85 feet along a line being 25 feet East of and parallel with the West boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence S 89°12'14" E, a distance of 174.30 feet along the South boundary of the property as described in Official Record Book 898, Page 872 of the public records of Manatee County, Florida; thence N 04°40'17" E, a distance of 267.28 feet along the Easterly boundary of said property as described in O.R. Book 898, Page 872; thence N 89°17'52" W, a distance of 218.60 feet along the North boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16 to the Northwest corner of said Southwest 1/4 of the Southeast 1/4 of Section 16; thence N 89°45'45" W, a distance of 1382.98 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 16; thence S 00°47'20" W, a distance of 507.73 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 16; thence S 89°31'40" E, a distance of 868.64 feet; thence S 21°33'53" E, a distance of 238.50 feet; thence S 31°07'21" W, a distance of 249.86 feet; thence N 58°37'19" W, a distance of 90.10 feet; thence S 52°13'24" W, a distance of 571.20 feet to a point on the Northerly right of way line of Moccasin Wallow Road; thence N 89°35'32" W, a distance of 1096.14 feet along said Northerly right of way line of Moccasin Wallow Road; thence S 01°29'51" W, a distance of 63.18 feet to a point on the Northerly right of way line of said Moccasin Wallow Road (as maintained); thence N 89°31'37" W, a distance of 606.11 feet along said Northerly maintained right of way line of said Moccasin Wallow Road, said line being 31.00 feet North of and parallel with the South boundary of the Southwest 1/4 of the aforesaid Section 16; thence N 89°33'59" W, a distance of 2601.54 feet along said Northerly maintained right of way line said line also being 31.00 feet North of and parallel with the South boundary of the Southeast 1/4 of Section 17, Township 33 South, Range 18 East, Manatee County, Florida; thence N 00°12'13" W, a distance of 2646.56 feet along the West boundary of said Southeast 1/4 of Section 17 to the Northwest corner of the Southeast 1/4 of said Section 17; thence S 89°18'21" E, a distance of 1326.44 feet along the North boundary of said Southeast 1/4 of Section 17 to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 17; thence N 00°50'45" E, a distance of 2660.87 feet along the West boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 17; thence S 89°30'06" E, a distance of 1329.46 feet along the North boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Southwest corner of Section 9, Township 33 South, Range 18 East, Manatee County, Florida; thence S 89°44'27" E, a distance of 1393.11 feet along the South boundary of the Southwest 1/4 of said Section 9 to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°55'22" W, a distance of 1334.16 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 9 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°24'41" W, a distance of 835.46 feet along the West boundary of said Northeast 1/4 of the Southwest 1/4 of Section 9; thence S 89°37'39" E, a distance of 330.00 feet; thence N 00°25'44" W, a distance of 462.00 feet to a point on the Southerly right of way line of Buckeye Road; thence S 89°36'17" E, a distance of 1115.77 feet along said Southerly right of way line of Buckeye Road, said line being 30.00 feet South of and

parallel with the North boundary of the Southwest 1/4 of said Section 9; thence continue along said Southerly right of way line, S 89°28'17" E, a distance of 2717.25 feet, said line being 30.00 feet South of and parallel with the North boundary of the Southeast 1/4 of said Section 9, to a point on the West boundary of the parcel described in Official Record Book 1025, Page 3055, as recorded in Manatee County, Florida; thence along said West boundary, S 02°28'25" W, a distance of 2646.27 feet, to a point on the South boundary of the Southeast 1/4 of the aforesaid Section 9; thence N 89°44'33" W, a distance of 29.94 feet to the Northwest corner of the property described in Official Record Book 1030, Page 2797, of the Public Records of Manatee County, Florida; thence along the Westerly boundary of said property, the following four (4) courses; 1) S 00°17'41" E, a distance of 739.10 feet; 2) S 00°19'26" E, a distance of 600.00 feet; 3) S 00°26'20" E, a distance of 539.17 feet; 4) S 00°15'00" E, a distance of 650.17 feet to a point on the East boundary of the Northeast 1/4 of the aforesaid Section 16; thence S 01°00'58" W, a distance of 150.00 feet to the Northeast corner of the Southeast 1/4 of said Section 16; thence S 01°01'40" W, a distance of 587.71 feet along the East boundary of said Southeast 1/4 to the intersection with the aforesaid Northerly Limited Access right of way line of State Road No. 93A (I-75), said point also being the POINT OF BEGINNING.

Containing 1065+ acres, more or less.

LESS existing rights of way for 40th Avenue, and Grass Farm Road.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within three years of approval of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. If more than three years shall elapse between approval of this Order and commencement of actual development or if construction of a phase is not begun or completed by the timeframe contained in Section 3 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING:

For twenty years from the date upon which this Order becomes final and the appeal period is ended, the County* may not down-zone or reduce the intensity or unit density permitted by this 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 and/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 10. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. RENDITION:

The Planning, Permitting and Inspections Department 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 Florida Department of Community Affairs, and the TBRPC.

SECTION 12. NOTICE OF RECORDING:

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

SECTION 13. SEVERABILITY:

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

SECTION 14. EFFECTIVE DATE:

This Ordinance shall take effect upon being signed by the Chairman of the Board of County Commissioners, the receipt of an official acknowledgment from the Department of State, and the expiration of any appropriate appeal period.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 9th day of April, 1992.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Snull
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 ORDINANCE NO. 92-30 adopted by the Board of County Commissioners of said County on the 9th day of April, 1992, this 10th day of April, 1992, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
BY: R. B. Shore

COPIES TO:

Open - PPT w/ coun ltr.
J Barb - BCC w/ coun ltr.

DATE 1/23/92
BY RL