

AUG 13 9 58 AM '99

**MANATEE COUNTY ZONING ORDINANCE
Z-89-46(C)(R-2) - UNIVERSITY COMMONS**

**AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
AMENDING ORDINANCE Z-89-46(C)(R-1) TO EXTEND THE
BUILDOUT DATES BY 3 YEARS AND 364 DAYS; PROVIDING AN
EFFECTIVE DATE.**

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, the recommendation and findings of the Planning Commission of said 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 has received and considered the report of the Manatee County Planning Commission concerning the application for the Zoning Ordinance Amendment as it relates to the real property described in Section 3 of this Ordinance.

B. The said Board of County Commissioners held a public hearing on 06/29/99, 07/06/99, July 27, 1999, and August 3, 1999 regarding said proposed Zoning Ordinance Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01 as amended, the Manatee County Land Development Code, and has further considered the information received at said public hearings.

C. The proposed amendment to the Zoning Ordinance regarding the property described in Section 3 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan, entitled UNIVERSITY COMMONS, was hereby APPROVED to allow a retirement and health care project, which contains a hotel, commercial, an out-patient facility, a skilled nursing facility, medical office and general support office, personal care and independent living facilities, a golf course, and a hospital as an alternative to the general office and/or skilled nursing uses with the following definitions and stipulations:

DEFINITIONS:

Note: An asterisk (*) following a word or phrase denotes that the word or phrase is defined.

A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10, 1992, March 13, 1992, March 18, 1992 and April 27, 1992 and revised Map H dated October 7, 1991, and the NOPC submitted on November 6, 1998.

FILED
1999
AUG 13 9 58 AM
CLERK CIRCUIT COURT
MANATEE COUNTY, FLORIDA

- B. "Best Management Practices" (BMP*) shall mean the 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. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- C. "Developer" shall mean Phy Matrix Corporation, Lifecare Health Resources, Inc, and 950 Cambridge Corporation, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- D. "Development" shall mean the land uses by area, square footage, density, phase and type as described in the ADA*, and/or this Development Order herein, to be constructed on the real property described in Section 3.
- 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.
- "Funding Commitment", "Funding", "Funded" or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.
- F. "Master Drainage Plan" shall mean a plan which shall show 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 the 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 that the applicant proposes to use to accommodate off site stormwater.
- G. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.
- H. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- I. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J (Attachment #1) which was based on data submitted with the ADA*.
- J. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- K. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.
- L. The definitions contained in Chapter 380, Florida Statutes, shall also apply to this Development Order.

STIPULATIONS:

A.(l) This Approval is limited to the Development* and Development* schedule listed in Table 1 in Section 2 of this Development Order. Phase I is specifically approved subject to the requirements of this Development Order and concurrency review for items listed in Section 2.A.(2). Phase II is conceptually approved subject to further Section 380.06(6), Florida Statutes, analysis and review on affordable housing, air quality, and transportation. The Development Order shall be amended to grant specific approval to Phase II. Development of the hospital referenced in Section 3.A.2.c of the Development Order is subject to the Developer* applying for and being granted an amendment to the FLUM of the County's Comprehensive Plan which would designate the land upon which the hospital is to be located Public/Semi-Public (2), or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed, as part of this DRI. If the Developer* obtains the said amendment to the FLUM, the hospital exchange mechanism referenced in Section 3.A.2.c of Table 1 of the Development Order shall be implemented pursuant to this Development Order. For purposes of this Development Order, the term "hospital" is defined as a facility which: "offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, as defined in Section 395.002(6), Florida Statutes.

TABLE 1

DEVELOPMENT* LAND AREA AND USES

Column A Land Use	Column B Phase I 1992-(2003) ³	Column C Phase II 1998-(2008) ³ Ft.	Column D Total Sq.	Column E Total Units	Column F Acres	Column G Land Use Minimum/ Maximum
IL (Residential)	484 ⁴	242 ⁴ lus	—	726 ⁴ lus	58	N/A
PC (Residential)	160 ⁵ lus	80 ⁵ lus	—	240 ⁵ lus	10	120/320 ⁵ lus
SN (Service)	120 ⁶ beds	120 ⁶ beds	—	240 ⁶ beds	12.5	0/240 ⁶ beds
HOTEL (Hotel)	240 rooms	—	—	240 rooms	14.8	N/A
COMMERCIAL ² (Retail)	305,000 ⁷ sq. ft.	10,000 ⁷ sq. ft.	315,000 ⁷ sq.ft.	—	33.8	N/A
MED. OFFICE (Office)	86,000 ⁸ sq. ft.	10,000 ⁸ sq. ft.	96,000 ⁸ sq.ft.	—	17.2	96,000 ⁸ sq. ft.
OUT PATIENT (Office)	24,000 ⁹ sq. ft.	24,000 ⁹ sq. ft.	48,000 ⁹ sq.ft.	—	8.5	24,000 ⁹ sq. ft.
MED CENTER (Office)	110,000 ^{8,9} sq. ft.	34,000 ^{8,9} sq. ft.	144,000 ^{8,9} sq.ft.	—	25.7	120,000 ^{8,9} sq. ft.
(Total of Medical Office and Out Patient)						

SUPPORT OFFICE 45,000 ¹⁰ sq. ft. (Office)	---	45,000 ¹⁰ sq.ft.	---	4.5	N/A
GOLF COURSE 1 golf course (Attraction Recreation)	---	1 golf course	---	118.4	N/A
GENERAL OFFICE 27,140 ¹¹ sq. ft. (Office)	176,664 ¹¹ sq. ft.	203,804 ¹¹ sq. ft.	---	8.6	10,000/250,000 ¹¹
HOSPITAL (Hospital)	---	---	---	---	234 beds

¹Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

²Commercial acreage and square footage figures include consists of the existing 250,000 square foot shopping center, which is located on 30± acres in the southeast corner of the Project*. The Development shall comply with the Manatee County Land Development Code pertaining to minimum parking space requirements, which would currently require 1,280 parking spaces for the retail uses approved on-site including the existing 250,000 square foot shopping center.

3. Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.
4. 418 IL units have GDP approval for Phase 1. All remaining IL units do not have site plan approval and require BOCC approval of a revised GDP.
5. 100 PC units have GDP approval for Phase 1. All remaining PC units do not have site plan approval and require BOCC approval of a revised GDP.
6. 120 SN beds have GDP approval for Phase 1. All remaining SN beds do not have site plan approval and require BOCC approval of a revised GDP.
7. 250,000 sq. ft. of Commercial space has GDP approval and is existing, All remaining Commercial square footage does not have site plan approval and require BOCC approval of a revised GDP.
8. 80,000 sq. ft. of Medical Office space has GDP approval for Phase 1, All remaining Medical Office square footage does not have site plan approval and require BOCC approval of a revised GDP.
9. No (0) sq. ft. of Out Patient Office has GDP approval. All Out Patient Office square footage requires BOCC approval of a revised GDP.
10. No (0) sq. ft. of Support Office has GDP approval. All Support Office square footage requires BOCC approval of a revised GDP.
11. No (0) sq. ft. of General Office has GDP approval. All General Office square footage requires BOCC approval of a revised GDP.

A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*.

A.(3) Phase I is approved until September 14, 2003, subject to additional concurrency review for items listed in Section 2.A.(2) above. Should adequate capacity not exist for the development of the that portion of Phase I sought to be developed, no approvals shall be granted until adequate capacity becomes available, the developer commits to provide capacity improvements through a Land Development Agreement, or the developer makes the improvement required to maintain the adopted Level of Service.

- A.(4) The Developer* shall submit a Preliminary Site Plan* for Phase I, or any subphase thereof, within twenty four (24) months of the effective date of this Development Order. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(l) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's Phase I transportation impacts.

(a) Option 1

Phase I of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Tables 2 and 3. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted*.

TABLE 2**Phase 1 (1997) Required Link Improvements for University Commons**

Roadway Segment Improvement Number	Road Segment	Total Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	I-75 (West) to I-75 (East)	D	6.6	Construct 2nd NB off-ramp lane at I-75.
2.	I-75 (West) to I-75 (East)	D	9.5	Construct 2nd SB on-ramp lane at I-75.

Airport Connector Road (located within Sarasota County)

TABLE 3**Phase I (1997) Required Intersection Improvements for University Commons**

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.8	Signalize when MUTCD Warranted*
University Parkway (partially within Sarasota County)				
2.	U.S. 301	F	8.6	Construct 2 nd NB & SB left turn lanes.
3.	I-75 (West Side)	F	9.1	Construct 3 rd thru lane EB & WB. Signalize when MUTCD Warranted*
4.	I-75 (East Side)	F	11.6	Construct 2 nd left turn lane NB & EB. Signalize when MUTCD Warranted*
5.	Tuttle Avenue at Project Access	N/A	N/A	Construct 1 left turn & 1 right turn lane NB & SB; & 1 left turn, 1 right turn, & 1 thru lane EB & WB. Signalize when MUTCD Warranted*.
6.	Lockwood Ridge Road at Project Access B	N/A	N/A	Signalize when MUTCD Warranted*.
7.	Lockwood Ridge Road			

	at Project Access C	N/A	N/A	Construct 1 left turn lane NB; 1 right turn lane SB' & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted*
8.	Lockwood Ridge Road at Project Access Drive C-1	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB.

The requirements of Option 1 are hereby satisfied by virtue of the following:

1. Roadway Segment Improvements #1 and #2 are not Warranted* at this time pursuant to TBRPC and Manatee County Level of Service policies, and may not be Warranted* until traffic volumes thereon require such improvements in order to maintain a current acceptable level of service ("LOS"). These improvements will not be required as mitigation for this Development* if the FDOT SHS Level of Service designation is revised from LOS C to some lower LOS. Roadway Segment Improvements #1 and #2 shall be monitored annually during a representative p.m. peak hour weekday condition. The results of these monitorings shall be provided in each Annual Report until such time as

- (1) the improvements are Warranted*, or
- (2) the minimum acceptable Level of Service is revised from LOS C to LOS D or lower.

Should Roadway Segment Improvements #1 and #2 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by Responsible Entities* Concurrent* with the impacts of the Development*.

- 2. Intersection Improvement #1 shall be Funded* by the Developer* prior to any Vertical Development*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. Manatee County shall be responsible for the permitting and construction/installation of signalization. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* of this intersection improvement shall be listed as a condition in any Certificate of Level of Service Compliance ("CLOS") issued for the Development*.
- 3. The County shall Fund* the construction of and construct the improvement identified for intersection #2. Intersection improvement #2 has been Funded* by Manatee and Sarasota Counties and is currently under constructed.
- 4. The County shall Fund* the construction of and construct a southbound right turn lane at the intersection of University Parkway/Tuttle Avenue. This intersection improvement shall be constructed Concurrent* with the impacts of the Development* and shall be listed as a condition in any CLOS for the Development*.
- 5. Intersection Improvements #3 and #4 will be Funded* by the Developer*. Applicable credit shall be granted to the Developer* in accordance with the Manatee County Land Development Code. The Developer*, through monitoring, shall be responsible

for determining when the second northbound to westbound left turn lane is Warranted* in a manner identical to that described for Roadway Segment Improvements #1 and #2, since this intersection improvement is a companion improvement to Roadway Segment Improvements #1 and #2. The County shall be responsible for determining when signalization is Warranted* and the timely permitting and construction of signalization. Should intersection improvements #3 and #4 become Warranted*, no further building permits shall be issued until the said improvements are Committed for Construction* and Funded* by the Developer*, Concurrent* with the impacts of the Development*.

6. Intersection Improvement #5 shall be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvement #5 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize this access drive (i.e., Hotel, Independent Living Facility, Personal Care/Skilled Nursing Facility, and the Medical/Business Center). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvement #5. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of this intersection improvement shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
7. Intersection Improvements #6, #7 and #8 will be Funded* by the Developer*, and the geometric improvements (additional lanes) required by Improvements #7 and #8 constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drives (i.e., the Commercial and Golf Course portions of the Development*). The Developer shall be responsible for the permitting and construction/installation of the signalization required by Improvements #6 and #7. Construction/installation of signalization shall occur when said signalization is Warranted*. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
8. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway for the existing on site shopping center (i.e., Centre at University Parkway).
9. By satisfying provisions B.(1)(a) 1. through 7. of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C. The concurrency requirements of Sarasota County are attached to this Development Order as Exhibit "C".

B.(1)(b) Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall

generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (C peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (C peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

- B.(2) The future roadway improvements assumed in the transportation analysis for the Development* consist of:
- (a) Lockwood Ridge Road as a four lane facility between University Parkway and DeSoto Road; and
 - (b) Lockwood Ridge Road as a four lane facility between DeSoto Road and 27th Avenue.

Both of these assumed roadway improvements have been constructed.

- B.(3) The Developer* shall construct on site roadways, bikeways, pedestrian ways, and cart paths, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.
- B.(4) Beginning with the first annual report required by the Development Order (April 15), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will 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.

- B.(5) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if not in accordance with applicable law.
- B.(6) The Developer* or its assigns shall prepare and implement a Transportation Systems Management ("TSM") program which will divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and reviewed by the County, the MPO and the FDOT. The TSM program shall be submitted upon issuance of Certificate of Occupancy for 500 single family residential units (or the equivalent thereof in terms of trip generation) constructed after issuance of the Development Order for the University Commons DRI.

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 implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to further the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

Policy: Promote ridesharing by public and private section employees.

OBJECTIVES:

- Increase urban area peak hour automobile occupancy rates by 10 percent by 2001 through expanded ridesharing efforts.
 - Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 2001.
- B. (7) The Phase II transportation impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Commencement of Phase II of the Development* is subject to a determination by Manatee County that transportation capacity needed to serve Phase II is or will be adequate to meet the transportation impact of Phase II when such impact occurs. Such determination shall be made in accordance with the Manatee County and/or Sarasota County concurrency requirements in effect at the time of the Developer's* application for Certificate of Level of Service. In the event that transportation capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to transportation capacity availability through a notice of proposed change pursuant to Section 380.06(19), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any transportation mitigation will be required for the

development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- B.(8) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the western parcel above the area marked "Skilled Nursing/Personal Care" on the University Commons Master Plan.

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C. (2) The soil conservation measures referenced on Pages 14-and 14-3 of the ADA* shall be required.

Wetlands:

- D.(1) All existing jurisdictional wetlands to remain on-site or wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas, pursuant to policy 10.1.2, FRCRPP, and impacts thereto shall be minimized.
- D. (2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands at a minimum ratio of 2:1 for herbaceous wetlands and 4:1 for forested wetlands unless those ratios are reduced in accordance with the requirements of the Manatee County Comprehensive Plan, but in no instance shall said ratio be reduced below 1.15:1. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D. (3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state or federal jurisdictional wetlands unless such activities are permitted by the permitting agency or agencies with jurisdiction, and are in accordance with the goals, objectives and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by

the County and any permitting agency or agencies with jurisdiction. This restriction shall not apply to the landscaping-related activities necessary to maintain wetland buffer areas located adjacent to the golf course, so long as no development activities or removal of viable native vegetation occurs.

- D. (6) Xeriscape site design concepts shall be used in landscaping areas.

Vegetation and Wildlife

- E. (1) In the event that any species listed in Rules 39-27.003 through 39-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC"), the Environmental Management Department ("EMD"), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, wetland management and boundary protection. In the event a wildlife management plan is required pursuant to this condition, it shall be adopted as an amendment to this Development Order.
- E. (2) Areas of the Development* which meet the conservation definition set forth in TBRPC policy 10.1.2, FRCRPP, shall be designated as such on the Development's* Master Plan known as Map H attached as Attachment #3.
- E. (3) The approximately 7.6 acre mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact through incorporation into the golf course or a passive park, or mitigated in accordance with FGFWFC policies and approved by the County and the EAC.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC, and Manatee 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 further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage:

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida

Water Management District (SWFWMD) and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.

- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Development*.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
 - (a) The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - (b) Water quality samples and flow measurements shall be collected prior to commencement of construction, at least four times annually for one year, and two times (wet and dry seasons) thereafter, through four years past the date of issuance of the last Certificate of Occupancy for the Development*.
 - (c) Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - (d) The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to the SWFWMD, the County and the EMD. Collected data shall be furnished to the County, the EMD, and the SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management system. The maintenance schedule for insuring proper water quality treatment

shall be submitted to the TBRPC, SWFWMD, and the FDEP for review, and to the County and the EMD for approval, during the permitting process.

- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the FDEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste:

- H.(1) Within one year of the effective date of this Development Order, or prior to issuance of any building permits for the Development*, whichever occurs later, the Developer* shall prepare a hazardous substances (including biohazardous waste) and a hazardous waste management plan which shall be reviewed and approved by the County, the EMD, the FDEP and the TBRPC, and then distributed by the Developer* to residential and nonresidential land users within the DRI. At a minimum, the plan shall:
- o advise of the applicable statutes and agency rules regulating hazardous wastes and substances;
 - o 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 designated containers;
 - o describe generally improper disposal methods;
 - o describe generally appropriate disposal methods;
 - o provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - o describe a program to inform owners and tenants of the information contained in the plan;
 - o describe construction requirements for hazardous waste storage areas;
 - o describe typical spill cleanup methods; and
 - o be updated and distributed to each non-residential tenant annually.
- H.(2) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(3) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(4) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EMD, and any state or federal agency or agencies with jurisdiction.

Energy:

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
 - o use energy alternatives, such as solar energy, resource recovery, and waste heat recovery and cogeneration, where economically feasible;
 - o obtain energy audits provided by energy companies or other qualified agencies;
 - o install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - o use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;
 - o promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - o reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - o institute and utilize recycling programs;
 - o utilize energy efficient packaging and/or recyclable materials; and
 - o install total energy systems on large facilities when cost effective.

Housing:

- J.(1) The Developer* shall provide, on an as-needed basis, living units (with a varying number of bedrooms) which are accessible to, and adapted for use by, the handicapped.
- J.(2) It is strongly encouraged that the Developer*, in its marketing efforts, promote a broad range of services to meet the needs of the project's anticipated mix of retired residents.
- J.(3) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA, but with the understanding that the Developer* will, prior to commencing development of Phase II, reassess the supply of affordable housing in accordance with the DCA's methodology and any applicable Manatee County methodology in effect at that time. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any affordable housing mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.

- J.(4) One hundred percent of the residential component of the Development* shall be housing for older persons as defined in Section 760.29(4), Florida Statutes.

Economics:

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP.

Wastewater:

- L.(1) After September 14, 1999, commencement of the remainder of Phases I and II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phases I and II, or the subphase thereof to be developed. Such Phase II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that wastewater capacity is only available for a portion of Phases I and II, development of such portion may proceed, with development of the balance of Phases I and II being subject to future determinations as to wastewater capacity availability.
- L.(2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.
- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- (a) Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - (b) Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - (c) Wet wells to contain sewage line surcharges/overflows.
 - (d) Emergency by-pass pumpouts for tank trucks.
 - (e) 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39) (See Attachment #4).
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer conceptual master plan shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

Water:

- M.(1) After September 14, 1999, commencement of the remainder of Phases I or II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phases I or II, or the subphase thereof to be developed. Such Phases I and II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that potable water capacity is only available for a portion of Phases I or II, development of such portion may proceed, with development of the balance of Phases I or II being subject to future determinations as to potable water capacity availability.
- M.(2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.
- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a

determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.

- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning, Permitting and Inspections Department. The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, and the Fire Marshall, and the Planning, Permitting and Inspections Department:
- (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.

Solid Waste

- N.(1) After September 14, 1999, commencement of the remainder of Phases I or II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phases I or II, or the subphase thereof to be developed. Such Phases I and II determinations shall be made in accordance with the current Manatee County concurrency requirements, or those in effect at the time of the Developer's* application for a Certificate of Level of Service Compliance, whichever is more stringent. In the event that solid waste capacity is only available for a portion of Phases I or II, development of such portion may proceed, with development of the balance of Phases I or II being subject to future determinations as to solid waste capacity availability.
- N.(2) The applicant will investigate appropriate recycling efforts both during and after construction and report on this in each Annual Report.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- 0.(1) The Developer* shall comply with an impact fee ordinance for education system improvements, if and when the Manatee County School Board adopts such an ordinance.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.
- P.(4) Recreation and open space areas shall be designed with due regard to both golfers and nongolfers. A passive recreational oriented open space area shall be provided for the nongolfing residents of the Development*. The area shall be at least two acres in size, provided prior to the commencement of Phase II, and located to provide easy access to guests/residents of the Development*.

Police, Fire and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County and/or the Southern Manatee Fire and Rescue District. 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 fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law.
- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.
- Q.(4) The commitments of the Developer* as discussed in the ADA* regarding health care for residents, shall be specifically required.

Air

- R.(1) Commencement of Phase II of the Development* is subject to the determination by the County, using then prevailing FDEP guidelines, that any significantly adverse air quality impacts caused by Phase II, or any sub-phase thereof, will be mitigated prior to Vertical Development* of Phase II, or the development of any sub-phase thereof. In addition, the Phase II air quality impacts shall be subject to review pursuant to Section 380.06(6), Florida Statutes. Should it be determined at the time the Development Order is amended for specific approval of Phase II that any air quality mitigation will be required for the development of Phase II, or any sub-phase thereof, the Development Order shall be amended to incorporate such mitigation.
- R.(2) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state and federal requirements.
- S.(2) In the event that the proposed hospital is constructed, that facility shall coordinate with other area hospitals which are vulnerable to flooding and that would be required to evacuate. This coordination would include the possibility of being a partial "host facility" in the temporary sheltering and assistance of patients that would require evacuation. (Assistance regarding this matter should be obtained and coordinated through the Chief of the Manatee County Chapter of the American Red Cross.)

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Developer*, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on April 15th of each year 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 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 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. A statement of the number of school age children residing within the Development*;
- l. A list of the entry ages of the residents moving into the Development* within the recording period;
- m. 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;
- n. Reports and/or information pursuant to conditions B.(4), B.(6), F.(2), G.(3)(d.), H.(2), H.(3), L.(4) and N.(2) of this Section 2.

- T.(3) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, the Annual Report and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- T.(4) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules promulgated pursuant to these statutes are applicable to the Development*, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- T.(5) That portion of Phase I of the Development* defined by Table 1, footnote 4 is specifically approved subject to the conditions found within the Development Order, and Development* beyond the totals defined in Table 1, footnote 4 and Phase II is conceptually approved subject to a determination by Manatee County that any significantly adverse air quality impacts caused by Phase II or any subphase thereof will be mitigated prior to vertical development of Phase II, or any subphase thereof, and that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity needed to serve that portion of Phase I of the Development* defined by Table 1, footnote 4 or Phase II is or will be adequate to meet such impacts of that portion of Phase I of the Development* defined by Table 1, footnote 4 or Phase II when such impacts occur. The determination as to the adequacy of wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity for Phase II shall be made in accordance with the current Manatee County concurrency requirements or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent. The determination as to the adequacy of transportation capacity for that portion of Phase I of the Development* defined by Table 1, footnote 4 or Phase II shall be made in accordance with the current Manatee County and/or Sarasota County concurrency requirements, or those which are in effect at the time of application for a Certificate of Level of Service, whichever is more stringent, as well as the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts. Sarasota County shall have the right to review such Phase II or that portion of Phase I of the Development* defined by Table 1, footnote 4 transportation analysis as it pertains to the transportation impact on Sarasota County. In the event that transportation, wastewater, water, mass transit, parks and recreation facilities, drainage and solid waste capacity is only available for a portion of Phase II, development of such portion may proceed, with development of the balance of Phase II being subject to future determinations as to such capacity availability.

This approval shall prohibit construction of the Hospital unless and until the Developer* applies for and is granted a Comprehensive Plan Amendment for the hospital site, changing the Future Land Use Map ("FLUM") to Public/SemiPublic (2) Future Land Use Category, or such other land use designation which would allow the hospital as it is proposed and as it has been reviewed as part of this Application. If the Developer* obtains the said amendment to the Comprehensive Plan, the hospital shall not require an amendment to the DRI Development Order or Map H. The Development* shall be constructed in accordance with the land use components and phase schedules approved in the DRI Development Order.

Exchanges of approved land uses may be made within the project and/or each phase in accordance with the approved development order for University Commons DRI (Ordinance 92-31) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each future land use category. Any such exchange shall require an amendment to the general development plan and a public hearing by the County to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning is authorized by the Land Development Code. The amended general development plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The developer must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

Design

- U.(1) The Preliminary and Final Site Plans for the Hotel and Business Center/Medical Center portions of the development, shall include earthen berms a minimum of three feet (3') in height and shall be planted with trees and understory vegetation to provide a visual buffer between these land uses and University Parkway. The earthen berm shall be located adjacent to University Parkway. An aesthetically equal or superior alternative can be approved by the Director of the Planning, Permitting and Inspections Department.
- U.(2) The Hotel and Business Center shall be oriented so that a building front or front facade faces University Parkway. The Director of the Planning Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- U.(3) The Hotel and Business Center shall be designed to position parking areas on the north side to avoid visibility of these areas from University Parkway. The Director of the Planning Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- U.(4) Dumpsters and/or compactors shall not be located in front of any building, and these units shall meet all setback requirements. These units shall not be visible from any collector or arterial facility. Specific locational approval for these units shall be during Preliminary and Final Site Plan stage.
- U.(5) The Developer shall create a negative easement along Tuttle Avenue, Lockwood Ridge Road and University Parkway to prevent vehicular access, except for access permitted as part of a Preliminary or Final Site Plan approval for each phase, which shall be consistent with the General Development Plan.
- U.(6) A master pedestrian/bike path plan shall be submitted for review and approval with each phase. The pedestrian and bike paths shall provide linkages between the various land uses within this site as well as provide for linkage to existing or future external systems.
- U.(7) A pre-design conference will be required prior to submittal of Construction Drawings to discuss points of connection for water and wastewater service and the configuration of the water and sanitary sewer systems.

- U.(8) The engineer of record shall be responsible for determining if upgrading of offsite facilities are necessary prior to construction plan submittal for potable water, sanitary sewer or fire protection. Oversizing of facilities may be necessary with possible participation by Manatee County.
- U.(9) The golf course shall not be developed in any manner inconsistent with this application unless and until the General Development Plan is amended by the Board of County Commissioners in a public hearing. Any amendment to this land use must be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code.
- U.(10) The land uses approved on this site are limited as described on the general development plan and within the DRI development order (Ord 92-31).
- U.(11) The existing mature tree stands (exclusive of citrus trees) located adjacent to the northern property boundary of the eastern parcel will be incorporated to the maximum extent possible in the landscape buffer to provide additional buffering beyond that required by the Manatee County Land Development Code.
- U.(12) The following minimum setbacks and maximum heights shall apply to the land uses within this development.

Land Use	Front	Side	Rear	Height
Retirement Dwelling Units	25'	10'	25'	2 stories
Independent Living Facility	30' ¹	20' ¹	30'	6 stories ^{1,2}
Personal Care Facility	45'	60'	60'	3 stories
Skilled Nursing Facility	45'	60'	60'	3 stories
Hotel	40' ^{1,3}	20' ¹	25' ¹	7 stories ^{1,2}
Outpatient Facility	40' ³	20'	25'	3 stories
Commercial	40' ³	20'	25'	3 stories
Office	40' ³	20'	25'	3 stories
Office Showroom	40' ³	20'	25'	3 stories
Golf Course Structures	50' ⁴	50' ⁴	50' ⁴	2 stories

¹ Buildings in excess of 4 stories, inclusive of parking levels, shall be set back a minimum of 200 feet from all external property boundaries.

² Inclusive of parking.

³ Fifty foot front setback required from any local street.

⁴ Maintenance facilities and associated material and vehicular storage areas shall maintain a 200 foot setback from all adjacent residentially zoned properties.

- U.(13) The floor area ratio shall not exceed .35 in any instance, nor shall the gross density exceed 9 dwelling units per acre.

- U.(14) Kitchens are not allowed as part of the individual living units in the personal care facilities, however, each of these living units may contain a compact refrigerator, sink and microwave oven.
- U.(15) Unless otherwise expressly stated in this ordinance or the Development Order of the DRI, the Developer* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.
- U.(16) The Developer* and Manatee County shall begin negotiations leading to an agreement regarding the realignment of Tuttle Avenue, consistent with the Letter of Intent presented to the Board of County Commissioners, within 30 days of the approval date of this ordinance completed.

Section 3. LEGAL DESCRIPTION.

See Attachment #5.

Section 4. EFFECTIVE DATE. This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said of appeal.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of August, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephens
Chairman

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

R. B. Shore
By: R. B. Shore

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 4 day of August 1999
R. B. SHORE
Clerk of Circuit Court
By: R. B. Shore

ATTACHMENTS 1, 3, 4, AND 5, AND EXHIBIT C

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED Z-89-46(C), APPROVED ON JUNE 3, 1992.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FILED FOR RECORD
AUG 13 9 50 AM '99

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board

RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

August 9, 1999

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated August 4, 1999 and certified copies of Manatee County Ordinance No., 99-38 and Z-89-46 (C)(R-2), which were filed in this office on August 9, 1999.

As requested, the date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief

Bureau of Administrative Code

LC/lc

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us