

MANATEE COUNTY ZONING ORDINANCE
PDMU-96-01(Z)(G)
COOPER CREEK CENTER

Nov 19 8 32 AM '97

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SECRETARY OF STATE

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDI/WP-E/ST (PLANNED DEVELOPMENT INDUSTRIAL), PDC/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL), AND PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL) TO PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED USE), RETAINING THE WP-E/ST (EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT) OVERLAY DISTRICTS; APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 1,280 DWELLING UNITS, 497,000 SQ. FT. OF COMMERCIAL SPACE (INCLUDING A 400 ROOM HOTEL), and 200,000 SQ. FT. OF INDUSTRIAL OR INSTITUTIONAL SPACE; AND 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 Official Zoning Atlas, the recommendation and findings of the Planning Commission, and all other matters presented to the 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 Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance, from PDI/WP-E/ST (Planned Development Industrial), PDC/WP-E/ST (Planned Development Commercial), and PDR/WP-E/ST (Planned Development Residential) to PDMU/WP-E/ST (Planned Development Mixed Use), retaining the WP-E/ST (Evers Reservoir Watershed Protection and Special Treatment) overlay districts, and approval of a General Development Plan to allow 1,280 dwelling units, 497,000 sq. ft. of commercial space (including a 400 room hotel), and 200,000 sq. ft. of industrial or institutional space.

B. The Board of County Commissioners held a public hearing on October 28, 1997 regarding 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), as amended, and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), as amended.

Section 2. The General Development Plan, dated August 19, 1997, entitled Cooper Creek Center, is hereby APPROVED to allow 1,280 dwelling units, 497,000 sq. ft. of commercial space (including a 400 room hotel), and 200,000 sq. ft. of industrial or institutional space, with the following conditions and modifications:

CONDITIONS

A.(1) Approved Development Totals pursuant to this Ordinance are as set forth in Table 1. Development authorized for construction pursuant to this Development Order approval shall be limited to Phase 1 only. Development approval for subsequent development shall be subject to review and approval of a transportation analysis pursuant to Chapter 380.06 F.S.

- A.(2) Existing agricultural uses on the property, in whole or in part, as an approved secondary use are hereby granted until development commences on the applicable section or portion of the site.
- A.(3) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Ordinance or are not inconsistent with this Ordinance.
- A.(4) Reserved

**TABLE 1
COOPER CREEK CENTER
PROJECT SUMMARY**

TYPE OF DEVELOPMENT:	Multi-use	
LOCATION:	Northwest quadrant of I-75 and University Parkway, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		604 Acres
Residential		329 Acres
Commercial/Hotel		96.5 Acres
Industrial/Institutional		40 Acres
Open Space (Roads, Right-of-Way, etc.)		139.18 Acres
	Phase One Totals	Development Totals
	Development	Development
Residential Units	628 d.u.	1,280 d.u.
Commercial	400,000 Sq. Ft.(1)(2)	497,000 Sq. Ft.(1)
Industrial/Institutional	114,000 Sq. Ft.	200,000 Sq. Ft.
Hotel	250 Rooms	400 Rooms
P.M. Peak Trips	2,856 Trips	
BUILD-OUT DATE	December 30, 2002	December 30, 2008

- (1) includes gross floor area for Hotel
- (2) includes one existing communication antenna tower

- A.(5) Existing agricultural uses on the property, in whole or in part, as an approved secondary use are hereby granted until development commences on the applicable section or portion of the site.
- A.(6) Any excess infrastructure capacity constructed to potentially serve development beyond that described in Condition A.(1) shall be at the developer's risk and shall not be construed to vest additional Vertical Development* construction rights.

TRANSPORTATION CONDITIONS

- B.(1) Traffic Studies* shall be required for approvals for development beyond that specified for Phase 1, pursuant to Section 380.06, F.S.
- B.(2) No portion of the development beyond that set forth in Phase 1 in Table 1 shall receive approval, in conjunction with existing traffic and traffic anticipated as a result of other project Development Approvals*, will have a probable result of causing or significantly contributing to degradation of the Acceptable Level of Service* existing on the intersections in the Transportation Impact Area* at time approval is sought, unless Funding Commitments* are in place.

- B.(3) Maintenance of Acceptable Level of Service* on intersections or in the Study Area to be determined consistent with methodologies in accordance with Section 380.06, Florida Statutes shall be verified by the developer to the satisfaction of the County Transportation Authority* as part of each annual report as required by Subsection 380.06(18), Florida Statutes.
- B.(4) There shall be no approvals granted as to development beyond that specified for Phase 1 in Table 1 unless the transportation improvements required have been completed or such improvements are determined as not warranted under the Traffic studies*. The Developer*its successors, assigns, or transferees, has prepaid transportation component impact fees for Vertical Development* specified for Phase 1 in Table 1 in the amount of \$1,040,000.00 in accordance with the Fee Agreement * entered into with Manatee County, incorporated herein by reference. Such impact fees shall be credited against transportation component fees subsequent due Manatee County. Such payment shall not prevent Manatee County from revising or increasing the impact fees due from the Developer as provided in Ordinance 86-09, to which these advance sums are applied.
- B.(5) The Developer* shall continue to demonstrate continuous progress towards building permit applications for the development totals set forth for Phase 1 in Table 1. Continuous progress shall mean Final Plat approval (or the issuance of building permits if a Final Plat is not required) for 200 residential lots or dwelling units and the issuance of building permits for at least 50,000 square feet of non-residential use. Failure to demonstrate such progress may require a revised and updated Traffic Study* to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the developer, upon recommendation by the Planning Director.
- B.(6) The Developer* shall provide for a bus bay area acceptable to Manatee County at one location within each commercial and industrial land use area and at one location on University Parkway near the project entrance at time of Development. (This condition provides the Transportation Management System required by TBRPC).
- B.(7) The Developer* shall implement, at their expense, the following specified safety transportation improvements prior to the issuance of the next Certificate(s) of Occupancy for Phase 1:
- a. Signalize the intersection of University Parkway and Cooper Creek Boulevard. The signal shall be of the mast arms type.
 - b. Provide a westbound right-turn deceleration lane on University Parkway, at the intersection with Cooper Creek Boulevard. The turning lane length shall be 500 feet.
 - c. Provide an additional southbound left-turn lane on Cooper Creek Boulevard at the intersection with University Parkway. The resulting dual left-turn lanes shall have a queue length component of 225 feet each. The Southbound right-turn lane queue length should be 150 feet. The dual left-turn lanes shall be supplemented by guiding pavement markings to provide turning lane separation (2-ft long dashed lines with 4-ft gaps to channelize turning traffic).
- B.(8) The Developer* shall evaluate the need for traffic safety and circulation improvements with each PSP*. Manatee County shall review and evaluate the information submitted by the Developer* and reserve the right to require additional safety and circulation improvements such as turn lanes, signals, signal timing, and pavement markings.

ENVIRONMENT AND NATURAL RESOURCES

Air Quality

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the site plan to alleviate potential negative impacts of the project on ambient air quality.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River Watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302, and 62-25, F.A.C., as well as Manatee County requirements.
- D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit H. The program shall continue through one year beyond project buildout. The County may require that the program may be extended beyond buildout if conditions are observed that would require additional monitoring. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by the appropriate authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit H, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approval by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this rezone ordinance.

- D.(3) The Developer* shall continue to conduct the comprehensive ground water quality and quantity monitoring program as previously approved by EMD and attached as Exhibit H. The program shall continue through one year beyond project buildout.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by the appropriate authority.

- D.(4) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(5) The entire development shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 604.75± acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D.(6) Impacts to Wetlands*, Preservation Areas*, and Conservation Areas* shall be mitigated in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs.

a. Preservation and Conservation Areas*

Preservation and Conservation Area* shall comprise of all SWFWMD jurisdictional wetlands, in addition to other areas as delineated on Exhibit C.

The Conservation Areas* on site encompass approximately 51.96 acres as indicated on the attached Revised Preservation/Conservation Map, Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed.

There shall be no impact to those Wetlands* encompassing approximately 16.41 acres, indicated as Preservation Areas* on the attached Revised Preservation/Conservation Map, Exhibit C. Impacts authorized pursuant to state

and federal permits approved prior to the effective date of this development order and impacts for necessary infrastructure (such as roads, utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

b. Wetland Areas*

Wetlands created as a result of flood storage compensation shall be credited as mitigation lands if acceptable to the Environmental Management Department and other permitting agencies.

As required by Manatee County Comprehensive Plan Policies 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4., the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code.

Mitigation security for impacts to wetlands, preservation and conservation areas shall be required in accordance with applicable County Ordinances.

All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years.

All Post Development Wetlands*, Conservation and Preservation Areas*, and their buffers shall be protected by a recorded conservation easement to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

Each annual report shall include the results of the mitigation monitoring. The report shall also include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

TABLE 3

COOPER CREEK CENTER
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

AREAS	MITIGATION RATIOS*	
	HERBACEOUS	FORESTED
TBRPC Preservation & Conservation Area*	2:1	3:1
Wetlands*	2:1 ♦	4:1 ♦

If an area falls under two categories, then the most restrictive mitigation ratio shall apply.

♦ May be reduced in accordance with the Manatee County Land Development Code and Comprehensive Plan.

● Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(7) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 17-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit I.

D.(8) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Stormwater is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that existing stormwater discharges be prohibited under this section.

FLOODPLAINS

- E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.
- E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

- F.(1) The Cooper Creek Center development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to Policies 21.2, State Comprehensive Plan and 2.7.2, FRSRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Manatee County Environmental Management Department (EMD), and the Florida 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.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with the DHR, and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

- I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up, to provide assurance against equipment failure, and discharge to the environment. These shall include:
 - a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP 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.
- I.(2) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(3) The Developer* shall not utilize on site wastewater treatment.
- I.(4) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning 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 and 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

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this rezone ordinance, "non-potable" water is defined as water emanating from any source other than a public water utility. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Evers Reservoir watershed provided that if spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.
- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

- K.(1) The Developer* shall provide to all Cooper Creek Center businesses information that:
- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and
 - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

- L.(1) All Cooper Creek Center Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, 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, except for food service establishments;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Cooper Creek Center Community 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 non-business hours, as appropriate;
 - g. Institute and utilize recycling programs; and

- h. Utilize energy efficient packaging or recyclable materials.

RECREATION AND OPEN SPACE

- M.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- M.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- M.(3) Prior to the first final plat approval for the residential sub-phase, unless specifically waived or deferred by Manatee County, a local park site (minimum 10 acres) shall be dedicated to Manatee County at a location acceptable to the County. Impact fee credits may be granted pursuant to the Land Development Code. Access to the park site shall be provided via a public road, constructed to County standards.

PUBLIC SAFETY

- N.(1) Sheriff and emergency medical services will be provided by Manatee County. 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 police, fire, and emergency medical services or any combination thereof. 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 allowed by the Land Development Code, if applicable. An agreement, for Phase I, as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department concurrent with the issuance of the rezone ordinance, PDMU-96-01(Z)(G) (Exhibit E). This agreement shall be amended prior to approval of Phase II.
- N.(2) The Cooper Creek Center development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or in compliance with the Manatee County Land Development Code requirements.

DEVELOPER COMMITMENTS

- O.(1) The Developer* shall be required to adhere to any and all commitments made in the attached Exhibit F, incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

GENERAL CONDITIONS

- P.(1) With each Preliminary and Final Site Plan submittal, a Development Land Use Summary Table shall be provided to include the number of units and square footages that have Preliminary or Final Site Plan approval.
- P.(2) The Developer, it's successors, assigns, or transferees, has prepaid transportation component impact fees for Vertical Development* specified for Phase I in Table I in the amount of \$1,040,000.00 in accordance with the Fee Agreement* entered into with Manatee County, incorporated herein by reference. Such impact fees shall be credited against transportation component fees subsequently due Manatee County. Such payment shall not prevent Manatee County from revising or increasing the impact fees due from the developer as provided in Ordinance 90-01, as amended, to which these advance sums are applied. The difference shall be payable at the time of or before the issuance of a Certificate of Occupancy for vertical development.
- P.(3) If, prior to the time permanent fire protection facilities in this area of the county are needed by the Fire District, and a station is needed, the developer shall enter into an agreement to contribute a pro-rata share of the cost of a site for, and of constructing and equipping a fire protection facility if required by the Fire Department with the appropriate Final Site Plan approval.
- P.(4) Unless specifically modified with this approval, or subsequent approvals, development in the project shall comply with all requirements of the Land Development Code.

Modifications, as provided for in the Land Development Code, may be approved administratively by the Director may be considered on a case by case basis.

Residential Development

- P.(5) Single-family development within Cooper Creek Center shall comply with the standards of the Land Development Code, except as follows:
- a. The minimum lot width for single-family semi-detached or zero-lot-line residences shall be 40 feet. These unit types shall not consist of more than 25 percent of the total units in the development. The minimum lot width for all other single-family residential units shall be 60 feet.
 - b. The minimum front yard building setback for residences with side loaded garages shall be 20 feet. The minimum front yard building setbacks for all other residences shall be 25 feet.
 - c. The minimum side yard building setback for zero-lot-line and single-family semi-detached residences, or garages which are semi-detached, shall be 0 feet adjacent to one property line and 15 feet on the opposite side. The minimum building setback for all other side yards in the development shall be 7.5 feet.
 - d. The minimum pavement width for all one-way street segments around cul-de-sacs which serve less than seven lots shall be 20 feet.
- P.(6) Multi-family development shall comply with the following minimum setback requirement:
- | | |
|--------------------|-----|
| Front: | 25' |
| Side: | 10' |
| Rear: | 25' |
| Between Buildings: | 20' |
- P.(7) No residential development shall be allowed between the L10 70 dB(A) noise level contour and I-75, unless such residences are protected by some performance equivalent measure to achieve the L10 70 dB(A) exterior noise level. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.
- P.(8) All residential development in Parcels B, D, and A adjacent to Cooper Creek Boulevard shall be designed as reverse frontage in accordance with the requirements of Section 907.7.4 of the Land Development Code. Multi-family buildings within 75 feet of Cooper Creek Boulevard shall not exceed 2 stories in height.
- P.(9) Prior to Final Plat approval (or Final Site Plan if a plat is not required) for the 101st residential unit in Parcel A, a second means of access, pursuant to Section 712.2.8, Diagram A, number 1 or 2 of the Land Development Code, shall be provided.
- P.(10) Prior to Final Plat approval (or Final Site Plan if a plat is not required) for the 101st residential unit north of Cooper Creek Boulevard, Cooper Creek Boulevard shall be extended westward to Honore Avenue, and Honore Avenue shall be constructed to County Standards, (two-lane divided roadway, with four foot wide bicycle lanes and 5 foot wide sidewalks on each side, from Cooper Creek Boulevard to the nearest paved County Street outside the development which connects to another paved County street, pursuant to Section 712.2.8. Diagram A, number 1 or 2. If Cooper Creek Boulevard has been constructed as a boulevard between the first two roadway running perpendicular to Cooper Creek Boulevard located west of the 330 foot wide FP&L easement, in compliance with Section 712.2.8. Diagram A, number 3, then upon construction of Honore Avenue, the Developer and/or its assignees shall be entitled to receive full transportation impact fee credit for the entire cost of design and construction of roadway, drainage, and other related improvements for that portion of Honore Avenue north of first street into Parcel A and south of Cooper Creek Boulevard, as extended, if permitted by the Land Development Code. If this portion of Honore Avenue is required to provide the second means of access for the residential portion

north of Cooper Creek Boulevard, then the Developer shall not be entitled to full impact fee credits.

- P.(11) Prior to Final Plat approval for any portion of Parcels E, F, G, or H, as shown on the General Development Plan, or the commencement of Phase 2, whichever occur first, Honore Avenue shall be constructed as a two-lane divided roadway, with four foot wide bicycle lanes and 5 foot wide sidewalks on each side, from University Parkway to the southern property line of the Nelson Tract located north of this development. The Developer or its assignees shall be entitled to receive full transportation impact fee credit for the entire cost of design and construction of roadway, drainage, and other related improvements for that portion of Honore Avenue constructed north of Cooper Creek Boulevard to the southern property line of the Nelson Tract, if permitted by the Land Development Code. If this portion of Honore Avenue is required to provide the second means of access for any Parcel north of Cooper Creek Boulevard, then the Developer shall not be entitled to full impact fee credits.
- P.(12) The cul-de-sac street located on the northern portion of the development in Parcel G shall be extended to tie to Honore Avenue.
- P.(13) School impacts from this development shall be determined prior to Final Site Plan approval for the first residential subphase using appropriate methodology acceptable to the School Board and Developer based upon standards utilized by the School Board. The Developer shall be responsible for providing all public school facilities so identified or otherwise fully offsetting the identified impacts. Measures for addressing and offsetting such impacts may include, without limitation, conveyance of land for school facility site(s), or pro-rata contribution to the cost of such sites.

Non-Residential Development

- P.(14) All conditions, with the exception of condition 8, of PDR/PDI/PDC-86-16(P)(R2), as amended, shall apply to the 307,500 square foot retail outlet center, previously identified as subphase 1-A of Phase 1. (See attachment G).
- P.(15) The following conditions shall apply to development in Parcels 2, 4, and 6:
- a. Industrial uses shall be limited to Light Industrial and Research and Development Activities.
 - b. Industrial buildings and all structures in excess of 25 feet in height, shall maintain a minimum setback of 200 feet from the Right-of-Way of I-75.
 - c. All building facades visible to I-75 shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
 - d. All truck loading, service areas, outside storage, and parking of heavy equipment, semi trucks or trailers, or other vehicles over 1-1/2 tons shall not be located adjacent to I-75, unless the are not visible from a height of five feet at the edge of pavement of I-75, to be determined at time of Certificate of Occupancy.
 - e. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade and maintain all building setbacks along I-75.
 - f. Rooftop mechanical equipment shall not be visible from I-75.
 - g. Landscape buffers along I-75 and University Parkway shall be as follows:

University Parkway: 50 feet
I-75: 35 feet

Existing native trees, shrubs, and ground covers within the buffer shall be preserved, to the extent possible.

- h. The landscape buffer in Parcel 6 adjacent to the FP&L easement across from the residential subphases shall be a minimum width of 20 feet. Native shrubs and trees within the buffer shall be preserved. Evergreen trees of a native specie shall be planted in those areas where the base of trees closer than 30 feet apart do not already exist. All outdoor storage shall be screened from the residential subphases by material which is 100 percent opaque.

P.(16) Commercial development located within Parcel 4 shall be limited to those uses permitted in the NC zoning district.

P.(17) The Preliminary Site Plan for the Cooper Creek Tourist Center, approved December, 1995, shall remain valid for a period of 3 years from the date of this approval. All Final Site Plans for the Tourist Center shall be reviewed for consistency with this Ordinance, PDMU-96-01(Z)(G), as amended.

DEFINITIONS Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service "C" on an average daily basis ("D" on a peak hour basis), which shall be measured as provided in this paragraph. Where a link or intersection in Sarasota County is operating at Level of Service "D" on an average daily basis ("E" on a peak hour basis) on the effective date of this Ordinance, then the Acceptable Level of Service in Sarasota County for that link or intersection shall mean Level of Service "D" on an average daily basis ("E" on a peak hour basis).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Cooper Creek Center's Development of Regional Impact Application for Development Approval* and the NOPC submitted on July 26, 1996, and amended on April, 1997 and August 20, 1997, included as Exhibit "G" in the Development Order.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board Resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on "Map H", last revised on August 19, 1997, for the Cooper Creek Center DRI.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised on May 1, 1997.

F. "County Transportation Authority*" shall be defined as the Planning Department in cooperation with Manatee County's Transportation Department, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean County Line Roads Associates and SOS Partners Limited Partnership, their heirs, assigns, designees, agents, and successors in interest.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary and Final Site Plan* or the Preliminary and Final Subdivision Plat process, and construction drawing approval where site plans are not required.

I. "Development Order" shall mean the Ordinance Granting a Development Order for Cooper Creek Center, Ordinance 97-23, effective

J. "Fee Agreement*" shall mean the Transportation Component Impact Fee agreement by and between the County and the developer's predecessor's in interest, which was adopted on February 10, 1987 and is attached hereto as Exhibit D.

K. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
2. Actual construction; or
3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development, whichever is sooner.

L. "General Development Plan*" shall be defined as Revised Map H, last revised on August 19, 1997, incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

M. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc).

N. "Owner*" shall mean County Line Road Associates, a Florida Limited Partnership and SOS Partners Limited Partnership, a Delaware Limited Partnership, by SOS Properties Management Company, Incorporated; it heirs, assigns, designees, agents, and successors in interest as to the Cooper Creek Center DRI and all its stipulations.

O. "Phase*" shall mean the development totals listed in Table 1. For traffic impact study and transportation concurrency purposes, the term shall include Phase 1-B only.

P. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

Q. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01), as amended, for a Phase or Sub-Phase.

R. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised on May 1, 1997.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Traffic Study*" shall mean a report presented by the Developer*, pursuant to the provisions of Section 380.06, F.S. and Rule 9J-2.045 F.A.C., using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, the Florida Department of Community Affairs, and the Florida Department of Transportation. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area*, to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals* cumulatively.

U. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the cumulative traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area will be determined with the Phase 2 traffic study. This area is generally depicted on Map J which was submitted with the ADA. This area will be revised as appropriate, based on a new Traffic Study*.

V. "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.

W. "Warranted*" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order.

X. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from PDI (Planned Development Industrial), PDC (Planned Development Commercial), and PDR (Planned Development Residential) to PDMU (Planned Development Mixed-Use), retaining the WP-E/ST (Evers Reservoir Watershed Protection and Special Treatment) overlay districts, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

FROM THE S.W. CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, BEING ON THE NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD, RUN S 89°24'05" E (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLAN COORDINATE SYSTEM), ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING; THENCE N 00°20'30" W, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 36, A DISTANCE OF 5343.35 FEET; THENCE N 02°45'45" E, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, A DISTANCE OF 2674.17 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89°10'54"E, ALONG SAID NORTH LINE, A DISTANCE OF 2335.77 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.R. 93 (I-75, SECTION 13075-2402); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE (AND INTERSECTION RIGHT OF WAY) THE FOLLOWING EIGHT COURSES: VIZ: S 13°40'31" E, A DISTANCE OF 6145.63 FEET; AND S 09°40'31" E, A DISTANCE OF 518.74 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3180.04 FEET; AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°30'18", A DISTANCE OF 638.55 FEET; AND S 04°37'06" W, A DISTANCE OF 450.00 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 216.0 FEET; AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A

CENTRAL ANGLE OF 83°40'21", A DISTANCE OF 315.44 FEET, TO THE P.T. OF SAID CURVE; AND S 88°17'27" W, A DISTANCE OF 628.42 FEET; AND N 89°25'07" W, A DISTANCE OF 298.24 FEET ; AND S 00°34'53" W, A DISTANCE OF 2.00 FEET, TO THE ABOVE DESCRIBED NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING EIGHT COURSES: VIZ: N 89°25'07" W, A DISTANCE OF 440.34 FEET; AND N 89°24'06" W, A DISTANCE OF 7.33 FEET, TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5865.58 FEET; AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 828.89 FEET, TO THE P.T. OF SAID CURVE; AND S 82°30'06" W, A DISTANCE OF 549.31 FEET; AND S 00°35'54" W, A DISTANCE OF 33.33 FEET; AND S 82°30'06" W, A DISTANCE OF 12.41 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5626.58 FEET, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 795.11 FEET, TO THE P.T. OF SAID CURVE; AND N 89°24'05" W, A DISTANCE OF 220.21 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

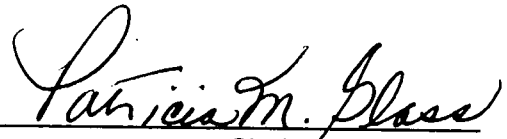
CONTAINING 604.68 ACRES, MORE OR LESS.

Section 5. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 4th day of November, 1997.

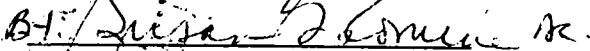
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:


Chairman

ATTEST: R.B. SHORE

Clerk of the Circuit Court



"EXHIBIT A"

LEGAL DESCRIPTION COOPER CREEK CENTER

FROM THE S.W. CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, BEING ON THE NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD, RUN S 89°24'05" E (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLAN COORDINATE SYSTEM), ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING; THENCE N 00°20'30" W, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 36, A DISTANCE OF 5343.35 FEET; THENCE N 02°45'45" E, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, A DISTANCE OF 2674.17 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89°10'54" E, ALONG SAID NORTH LINE, A DISTANCE OF 2335.77 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.R. 93 (I-75, SECTION 13075-2402); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE (AND INTERSECTION RIGHT OF WAY) THE FOLLOWING EIGHT COURSES: VIZ: S 13°40'31" E, A DISTANCE OF 6145.63 FEET; AND S 09°40'31" E, A DISTANCE OF 518.74 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3180.04 FEET; AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°30'18", A DISTANCE OF 638.55 FEET; AND S 04°37'06" W, A DISTANCE OF 450.00 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 216.0 FEET; AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83°40'21", A DISTANCE OF 315.44 FEET, TO THE P.T. OF SAID CURVE; AND S 88°17'27" W, A DISTANCE OF 628.42 FEET; AND N 89°25'07" W, A DISTANCE OF 298.24 FEET ; AND S 00°34'53" W, A DISTANCE OF 2.00 FEET, TO THE ABOVE DESCRIBED NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING EIGHT COURSES: VIZ: N 89°25'07" W, A DISTANCE OF 440.34 FEET; AND N 89°24'06" W, A DISTANCE OF 7.33 FEET, TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5865.58 FEET; AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 828.89 FEET, TO THE P.T. OF SAID CURVE; AND S 82°30'06" W, A DISTANCE OF 549.31 FEET; AND S 00°35'54" W, A DISTANCE OF 33.33 FEET; AND S 82°30'06" W, A DISTANCE OF 12.41 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5626.58 FEET, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 795.11 FEET, TO THE P.T. OF SAID CURVE; AND N 89°24'05" W, A DISTANCE OF 220.21 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 & 36, TOWNSHIP 35 SOUTH; RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 604.68 ACRES, MORE OR LESS.

SECRETARY OF STATE

NOV 14 1 36 PM '97

FILED

COOPER CREEK CENTER NONRESIDENTIAL SUMMARY

PARCEL	USE	ACRES*	WETLAND(%)	SF	PROPOSED	F.A.R.
1	COMMERCIAL	63	0 (0)	307,000	12	
2	TOURIST/COMMERCIAL	19	1 (5)	45,000	05	
3	TOURIST/COMMERCIAL	21	1.5 (7)	70,000	08	
4	COMMERCIAL/PROFESSIONAL	12	4.0 (34)	90,000	17	
6	INDUSTRIAL/WAREHOUSE/ OFFICE/INDUSTRIAL	56	31 (53)	200,000	08	
TOTAL		171	37.5 (21)	732,000		

* INCLUDES LAND IN RIGHTS-OF-WAYS AND FEL EASEMENT

NOTES

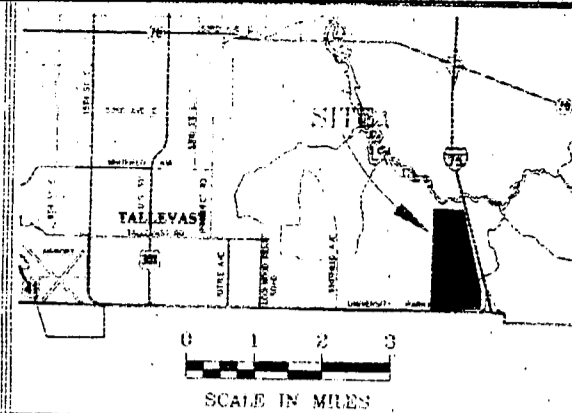
1. COMMERCIAL BUILDINGS WILL NOT EXCEED 35'. INDUSTRIAL BUILDINGS WILL NOT EXCEED 45'. HOTEL USES WILL NOT EXCEED 5 STORIES AND 45'. OFFICE STRUCTURES WILL NOT EXCEED 5 STORIES AND 60'.
2. THE MANMADE BORROW LAKES ARE NOT INCLUDED AS WETLANDS SUBJECT TO ENVIRONMENTAL REVIEW SINCE THEY ARE MANMADE OPEN WATER BODIES WHICH CAN BE MODIFIED AS REQUIRED.
3. WETLAND ACREAGE AREAS ARE SUBJECT TO CHANGE BASED UPON AGENCY CERTIFICATION OF WETLAND LIMITS AND FIELD LOCATION.

COOPER CREEK RESIDENTIAL SUMMARY

PARCEL	ACRES*	WETLAND(%)	UNITS
A	183	52 (28)	700-750
B	43	35	80-100
C	52	41	70-90
D	57	33	100-120
E	29	16	40-60
F**	52	42	60-80
G	20	15	20-40
H	16	14	20-40
TOTAL		347	1280***

NOTES:

- * PARCEL ACREAGE INCLUDES RIGHTS-OF-WAYS AND FEL EASEMENT
- ** PARCEL F WETLAND DOES NOT INCLUDE MAN-MADE BORROW PIT
- *** TOTAL DWELLING UNITS NOT TO EXCEED 1064 UNITS WITHOUT APPROPRIATE REDUCTIONS IN OTHER LAND USES.



VICINITY MAP

LAND USE SUMMARY

LAND USE	UNITS/S.F.	ACRES ±
RESIDENTIAL	1280 UNITS	329
INDUSTRIAL/INSTITUTIONAL/ WAREHOUSE	200,000 S.F.	40
COMMERCIAL	497,000 S.F.	96.5
HOTEL	400 ROOMS	
OTHER		139.18

TOTAL 604.68

TOTAL CONSERVATION ACRES - 51.96

TOTAL PRESERVATION ACRES - 10.41

NOTES:

1. THE SITE IS LOCATED WITHIN FLOOD ZONES AE-X AND X. A PORTION OF THE SITE IS LOCATED WITHIN A 100-YEAR FLOOD PLAIN AND A PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED FLOODWAY OF COOPER CREEK. SEE FEMA MAP PANEL #120153-0365 C, DATED JULY 15 1992.
2. A FLOOD PLAIN MANAGEMENT PERMIT WILL BE PROVIDED PRIOR TO APPLICATION FOR A BUILDING PERMIT WHERE APPLICABLE.
3. CONSTRUCTION SCHEDULE, BUILD-OUT WILL BE COMPLETED ON OR BEFORE NOVEMBER 30, 2007.
4. THE SITE IS LOCATED IN MANATEE COUNTY, CURRENT ZONING IS PD-R/WP-E/ST, PD-C/WP-E/ST, PD-1/WP-E/ST. PROPOSED ZONING FOR ADDITIONAL LAND IS PD-M/WP-E/ST. CURRENT LAND USE DESIGNATION IS RES-E, MU, AND MV, WQS.
5. SITE LOCATION - SECTIONS 26, 28, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
6. CONSERVATION AND PRESERVATION AREAS ARE ILLUSTRATED ON THE P & C MAP.
7. AGRICULTURAL LAND USE MAY CONTINUE AS SECONDARY USE UNTIL DEVELOPMENT OF PARCELS OCCURS.
8. WETLAND LIMITS SUBJECT TO AGENCY VERIFICATION AND FIELD SURVEY LOCATION.

LEGAL:

03-24-95

COOPER CREEK
COMMERCIAL

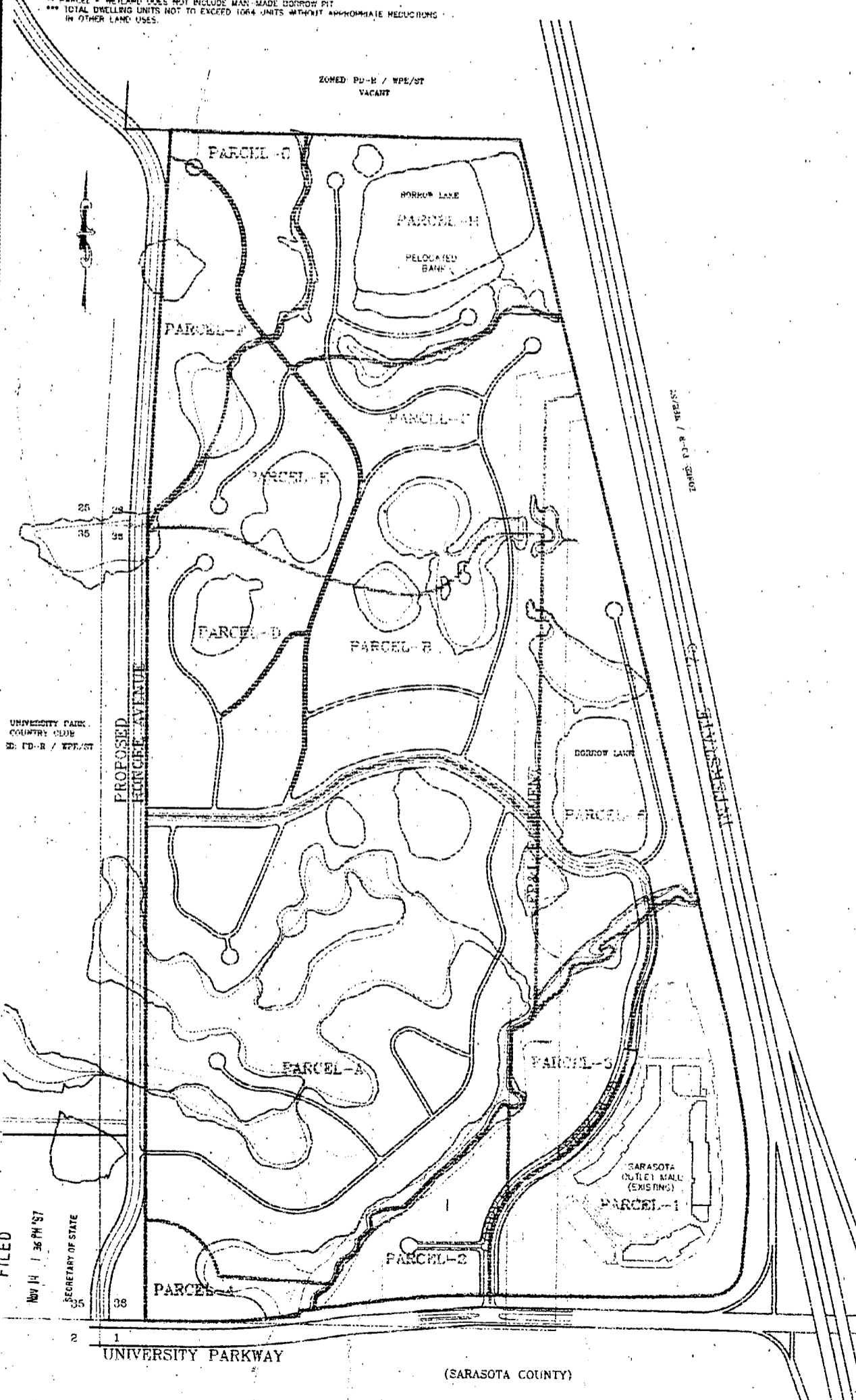
DESCRIPTION:

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 86°24'00" E, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 2317.00 FEET; THENCE N 06°20'30" W, A DISTANCE OF 214.47 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 03°03'34" E, AT A DISTANCE OF 5965.58 FEET, ALSO BEING THE POINT OF BEGINNING; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 120°20', A DISTANCE OF 444.15 FEET TO THE P.T. OF SAID CURVE; THENCE S 87°30'00" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 475.00 FEET; THENCE N 24°30'00" E, A DISTANCE OF 592.00 FEET; THENCE S 85°30'00" E, A DISTANCE OF 85.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 240.00 FEET; THENCE N 90°00'00" E, A DISTANCE OF 90.00 FEET; THENCE N 60°00'00" E, A DISTANCE OF 68.00 FEET; THENCE N 57°00'00" E, A DISTANCE OF 216.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 24.00 FEET; THENCE N 54°01'55" E, A DISTANCE OF 298.73 FEET; THENCE S 00°20'30" E, A DISTANCE OF 537.50 FEET; THENCE N 89°34'00" E, A DISTANCE OF 220.19 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COOPER CREEK BOULEVARD, ALSO BEING A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 82°08'24" E, A DISTANCE OF 730.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 03°59'51", A DISTANCE OF 50.24 FEET TO THE P.T. OF SAID CURVE; THENCE S 00°20'30" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 276.17 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 01°01'10" E, A DISTANCE OF 5565.58 FEET; THENCE WESTERLY ALONG SAID CURVE AND NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°08'24", DISTANCE OF 219.08 FEET TO THE POINT OF BEGINNING LYING AND BEING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD, CONTAINING 14.03 ACRES, MORE OR LESS

LEGEND:

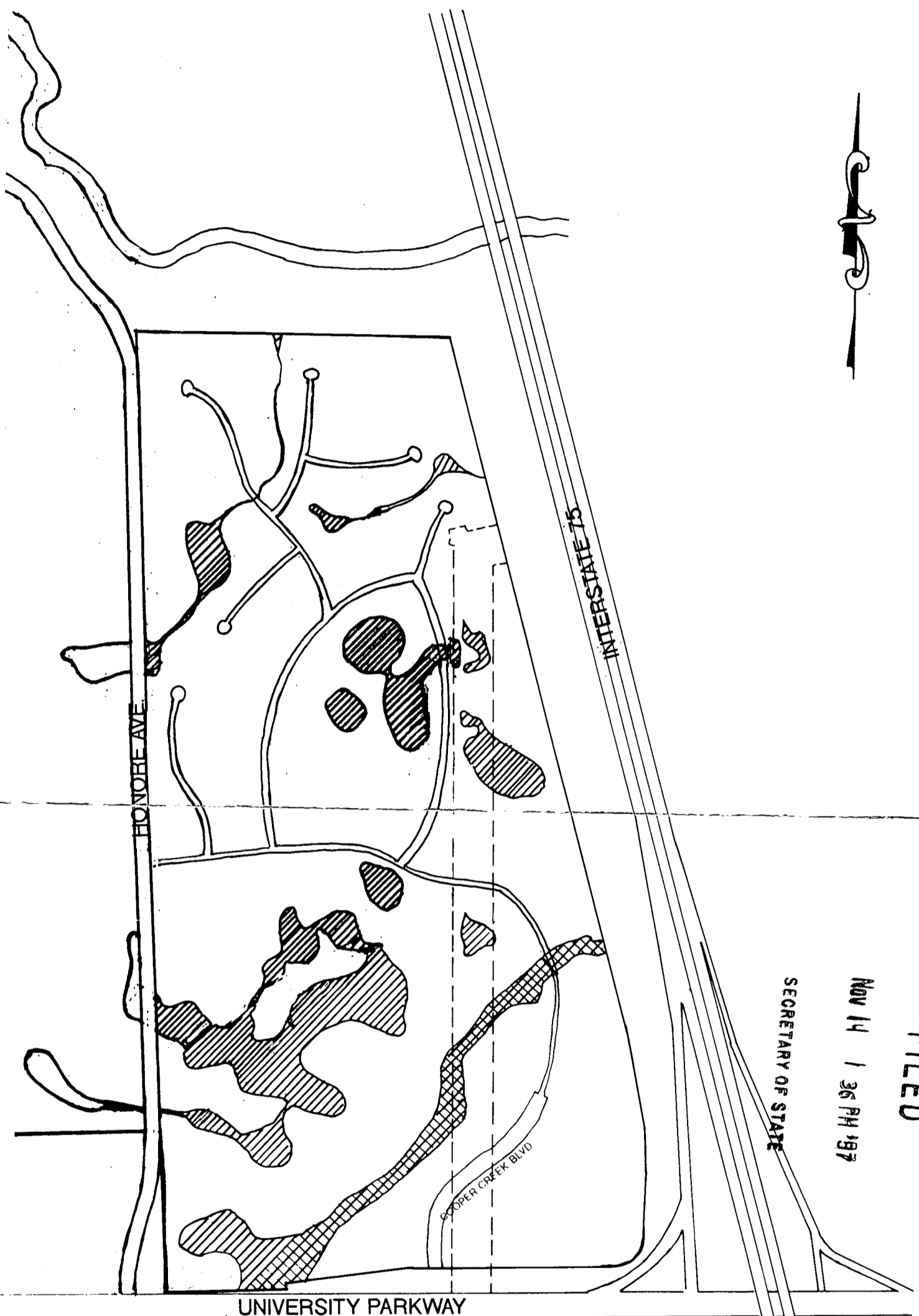
- CONTOUR LINE
- PRESERVATION/CONSERVATION LINE
- JURISDICTIONAL LINE
- FLOODWAY LINE
- PARCEL LINE



FILED
Nov 14 1 36 PM '07
SECRETARY OF STATE

	<p>GENERAL DEVELOPMENT PLAN FOR COOPER CREEK LOCATED IN: SECTION 26 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST MANATEE COUNTY, FLORIDA</p>	<p>© 1997 ZOLLER, NAJJAR & SHROYER, INC. THIS DOCUMENT IS PROTECTED BY SECTION 106 OF THE UNITED STATES COPYRIGHT ACT. REPRODUCTION OR ALTERATION OF THIS DOCUMENT OR THE INFORMATION CONTAINED HEREIN BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF ZOLLER, NAJJAR & SHROYER, INC. IS STRICTLY PROHIBITED. ANY UNAUTHORIZED REPRODUCTION OR ALTERATION OF THIS DOCUMENT IS IN VIOLATION OF FEDERAL LAWS AND IS SUBJECT TO PENALTY UNDER FEDERAL LAWS IN COMPLIANCE WITH F.S. CHAPTER 119.</p>	<p>REVISIONS 1. 8/19/97</p>	<p>Zoller, Najjar & Shroyer, Inc. Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants</p>
	<p>SHEET 1 OF 1</p>	<p>DESIGNED: [Signature] DATE: 3-21-97 FILE NO.: [Blank] DRAWN: [Signature] JOB NO.: 97-12885 SCALE: 1"=200'</p>	<p>274 3RD AVENUE, SUITE 200, TAMPA, FL 33604 TEL: (813) 289-2111 FAX: (813) 289-2112 WWW.ZNS.COM</p>	<p>NOV 06 2007</p>

EXHIBIT B





FILED
NOV 14 1 36 PM '97
SECRETARY OF STATE

NOTE:
FINAL ACREAGES TOTALS DEPENDENT
UPON CERTIFIED SWFWMD
JURISDICTIONAL DETERMINATION



SCALE 1 : 1000

LEGEND		
	CONSERVATION	51.96
	PRESERVATION	16.41
	TOTAL	68.37±

REVISED
5/1/97
11/12/96

COOPER CREEK
MANATEE COUNTY FLORIDA

PRESERVATION & CONSERVATION
AREAS

MAP
C

EXHIBIT C

MAY 2 1997

FILED

145255

Nov 14 1 36 PM '97

FEE AGREEMENT

RECORDED

2/10/87

PAGE NO.

226

MINUTE BOOK NO.

36

THIS AGREEMENT is made by and between MANATEE COUNTY, SECRETARY OF STATE FLORIDA, a political subdivision of the State of Florida ("COUNTY") and WILBUR BOYD CORPORATION, a Florida corporation, its successors and assigns ("DEVELOPER").

WHEREAS, on January 9, 1986, COUNTY adopted Resolution R-85-236 granting a Development Order for Cooper Creek Center, a Development of Regional Impact, which Development Order has been amended by Resolution R-86-323 adopted on December 23, 1986, to address transportation impacts in relation to proposed changes determined not to be a substantial deviation; and

WHEREAS, R-86-323 vests a designated number of vehicular trips for a designated number of developable square footage and DEVELOPER and COUNTY wish to ensure that roads impacted by COOPER CREEK CENTER will have sufficient level of capacity to maintain the acceptable level of service when build out occurs; and

WHEREAS, Manatee County Ordinance 86-09, the Manatee County Impact Fee Ordinance, encourages the use of a Fee Agreement for the pre-payment of all or part of the assessed impact fee and such Fee Agreement would facilitate the County's ability to provide and maintain an acceptable level of service on University Parkway impacted by COOPER CREEK CENTER and in accordance with applicable Interlocal Agreements between County and Sarasota County, Florida.

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, COUNTY and DEVELOPER agree as follows:

1. Advance Payment of the Transportation Component Impact Fees. DEVELOPER shall pay to COUNTY an advance payment of the Transportation component of impact fees assessed by the Fee Schedule in Ordinance 86-09, as provided herein.

O.R. 1174 P8 0905

3244

Exhibit D (page 1 of 5)

2. Amount of Payment. The advance payment stated in Paragraph 1 herein, shall be in the amount of One Million Forty Thousand Dollars (\$1,040,000). In the event the DEVELOPER pays any impact fees for development in COOPER CREEK CENTER prior to the time the advance payment is required, then the amount of transportation component of impact fees so paid shall proportionately reduce the amount of advance payment due pursuant to this Agreement.

Such payment shall not prevent Manatee County from revising or increasing the impact fee due from Cooper Creek Center as provided in Manatee County Ordinance 86-09, to which these advance sums shall be applied. The difference shall be payable at the time of or before the issuance of a Certificate of Occupancy for vertical development.

3. Time of Payment. Approximately ninety (90) days prior to COUNTY'S advertising for bid for the four laning of University Parkway, COUNTY shall provide written demand on DEVELOPER for payment of the funds determined as payable pursuant to Paragraph 2 of this Agreement.

4. Failure to Pay. In the event that DEVELOPER fails to pay the sum determined pursuant to Paragraph 1 within thirty (30) days as provided in Paragraph 2, the County may withhold building permits in the phase of Cooper Creek Center then under construction or any subsequent phases, or enforce this agreement through any means otherwise available at law.

5. Rebate or Refund. In the event that any development approval for Cooper Creek Center is duly amended in such a manner as to reduce the transportation component impact fee of \$1,040,000.00 due to the County and prior to such amendment, the County has requested payment of

O.R. 1174 PB 0906

the \$1,040,000.00 of impact fees as set forth in Paragraph 3 above, the Developer shall not be entitled to a refund or rebate of any of such fees. Nothing set forth herein shall limit the rights of the Developer to request or receive a refund under Section 120.F(3)(e) of the Manatee County Comprehensive Zoning and Land Development Code of impact fees previously paid.

6. Amendment or Termination. This Agreement shall not be amended or terminated without the mutual written agreement of the parties hereto.
7. Binding Effect. This Agreement and obligations imposed on DEVELOPER hereunder run with the land described in Exhibit "A", which by reference is incorporated herein, and shall be binding on DEVELOPER, its successors and assigns and shall be recorded in the Public Records of Manatee County, Florida. Nothing contained in this Fee Agreement shall obligate or bind the County to violate any laws of the State of Florida.

IN WITNESS WHEREOF, COUNTY and DEVELOPER have executed this Fee Agreement on the dates below given.

DEVELOPER:

WILBUR BOYD CORPORATION

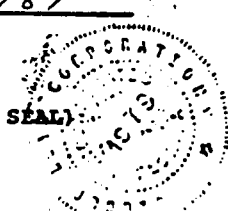
By: W. H. Boyd
President

Date: FEB. 9, 1987

ATTEST:

Valerie Boyd
Secretary

(CORPORATE SEAL)



STATE OF FLORIDA
COUNTY OF MANATEE

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared W. H. Boyd and Valerie Boyd, well known to me to be the President and Secretary of said corporation and that the seal affixed to the

3246

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O.R. 1174 PB 0907

foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESS my hand and official seal this 9th day of FEBRUARY, 1987.

Meynard McGinn
Notary Public
My Commission Expires: July 5, 1995

COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Herwood H. Hittaker
Chairman

Date: February 10, 1987
2-10-87

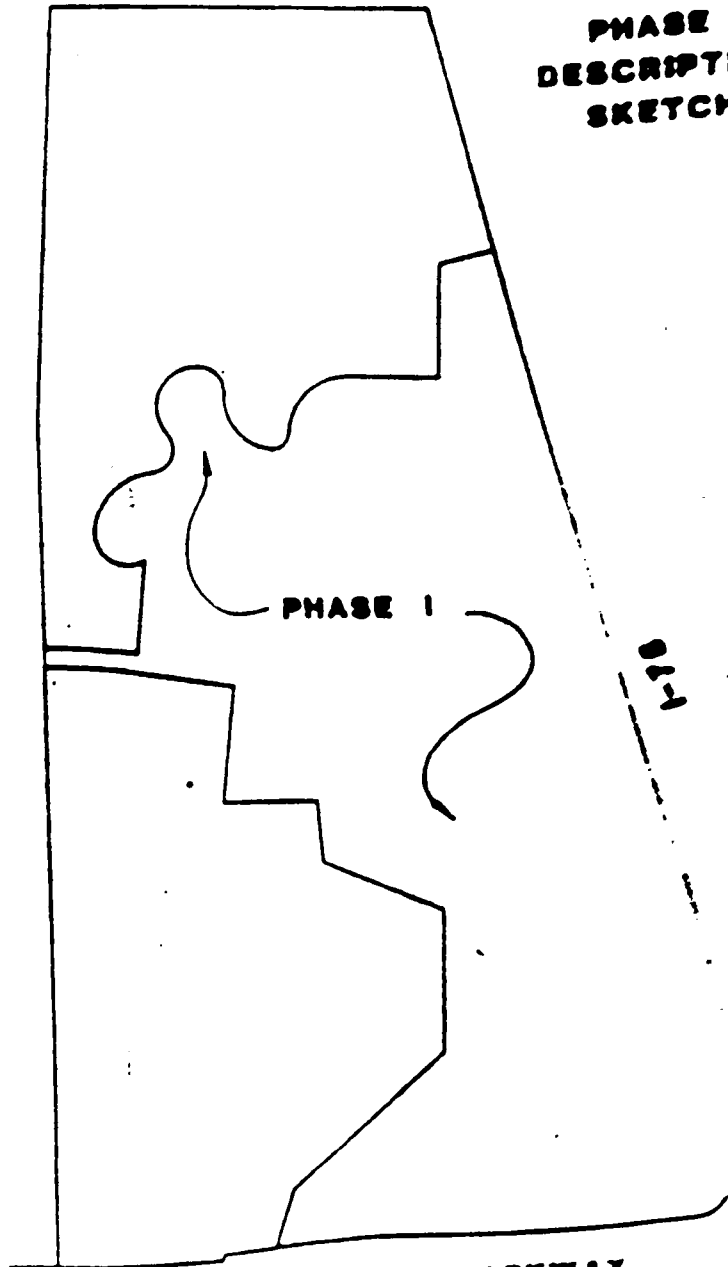
ATTEST: R. B. SHORE,
Clerk of the Circuit Court

R. B. Shore, Clerk of the Circuit Court

3247

O.R. 1174 PG 0908

**COOPER CREI
CENTER
PHASE 1
DESCRIPTION
SKETCH**



3248

O.R. 1174 PG 0909

UNIVERSITY PARKWAY

**COOPER CREEK PUBLIC SAFETY PRO RATA SHARE AND
IMPACT FEE AGREEMENT FOR
EMERGENCY MEDICAL SERVICES; POLICE PROTECTION**

SECRETARY OF STATE

NOV 14 1 36 PM '97

FILED

THIS AGREEMENT, made and entered into, as of this _____ day _____, 1997, by COUNTY LINE ROAD ASSOCIATES, a Florida Limited Partnership ("County Line"); and SOS Partners Limited Partnership, a Delaware Limited Partnership, by SOS Properties Management Company, Incorporated ("SOS") (County Line and SOS being collectively referred to herein as "Cooper Creek"); and THE COUNTY OF MANATEE, a Subdivision of the State of Florida ("Manatee County").

WITNESSETH:

WHEREAS, Cooper Creek is the owner of certain property located in Manatee County described on the attached Exhibit "A," which Developer is developing as Cooper Creek Center Development of Regional Impact (the "Project"); and

WHEREAS, Manatee County issued a Development Order approving the Application for Development Approval (ADA) for a Development of Regional Impact [DRI #14 - Resolution R-85-236, as amended by R-86-323, R-87-58, R-90-39, R-93-300, R-95-135] for the Project and approved Zoning Ordinance [Z-83-12(R)] for the lands of the Project ; and

WHEREAS, pursuant to Condition 39 of Ordinance Z-83-12(R), the impacts of the development upon Emergency Medical Services were to be identified prior to Final Master Development Plan by the developer using methodology acceptable to, and utilized generally by, the County; and

WHEREAS, pursuant to Condition 40 of Ordinance Z-83-12(R), Cooper Creek was required to contribute a pro rata share of the cost of a site for, and of constructing and equipping the emergency medical services station; and

WHEREAS, pursuant to Condition 44 of Ordinance Z-83-12(R), Cooper Creek was to pay a pro-rata share of the cost of a public service building and other police-related capital facilities required to adequately serve the area; and

WHEREAS, on August 29, 1991 the Board of County Commissioners approved a Final Development Plan - Revised (Cooper Creek Center, Phase 1-A) for a 303,450 square feet of commercial shopping center [PDR/PDC/PDI-86-16(F)(R)]; and

WHEREAS, pursuant to condition 7 of PDR/PDC/PDI-86-16(F)(R), on January 22, 1992, SOS paid \$5,205.03 towards the Emergency Medical Services facility and \$5,288.97 towards the Police Protection facility for the 303,450 square foot commercial shopping center; and

WHEREAS, Cooper Creek is now requesting County approval of an amended Development Order (Ordinance 97-23) and Zoning Ordinance [PDMU-96-01(Z)(G)] to allow 412 dwelling units, 114,000 square feet of industrial and institutional space, 400,000 square feet of commercial space, including a 250 room hotel, and 250,000 square feet of office space in Phase One; and

WHEREAS, the parties have further agreed upon capital costs for the Emergency Medical Services portion of the fee and the capital costs for the Sheriff's Department portion of the fee, the proportionate share to be borne by Phase One of the Project as proposed in the DRI, and the timing of said contribution payments by Cooper Creek, and that such payments shall fully satisfy all of Cooper Creek's responsibilities and obligations with regard to the Emergency Medical Services and the Sheriff's Department portion of the public services building for the Project; and

WHEREAS, Cooper Creek shall be credited for the fees previously paid for the 303,450 square feet of commercial space, for which Cooper Creek has previously contributed and those fees are not included in the amounts to be paid under paragraphs 1 and 2; and

WHEREAS, Cooper Creek's pro-rata share to satisfy all of Cooper Creek's remaining responsibilities and obligations for Phase One with regard to the Emergency Medical Services portion of the fee pursuant to Section 2, Condition O.(1) of Ordinance PDMU-96-01(Z)(G) and Section 4, Condition N.(1) of Ordinance 97-23 for 412 dwelling units, the remaining unpaid 96,550 square feet of commercial space, including a 250 room hotel, 250,000 square feet of office space, and 114,000 square feet of industrial and institutional space shall be \$17,318.00; and

WHEREAS, Cooper Creek's pro-rata share to satisfy all of Cooper Creek's responsibilities and obligations for Phase One with regard to the police protection portion of the fee pursuant to Section 2, Condition O.(1) of Ordinance PDMU-96-01(Z)(G) and Section 4, Condition N.(1) of Ordinance 97-23 for 412 dwelling units, the remaining unpaid 96,550 square feet of commercial space, including a 250

room hotel, 250,000 square feet of office space, and 114,000 square feet of industrial and institutional space shall be \$17,575.00; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

- 1. To satisfy all of Cooper Creek's remaining obligations for Phase One with regard to Emergency Medical Services, pursuant to Section 2, Condition O.(1) of Ordinance PDMU-96-01(Z)(G) and Section 4, Condition O.(1) of Ordinance 97-23, Cooper Creek shall make the following payment to Manatee County for allocation to the Emergency Medical Services Department of Manatee County: A payment of \$17,318.00, adjusted for inflation as set forth below, prior to the next Final Site Plan approval for the project or the impact fees for Emergency Medical Services component for the remaining unpaid development of the project whichever is greater.

The \$17,318.00 shall be adjusted to compensate for inflation for any unpaid balances after October 1, 1997, based on changes in the Consumer Price Index for Urban Consumers, between July 1, 1997 and the date of payment.

- 2. To satisfy all of Cooper Creek's obligation for Phase One with regard to police protection pursuant to Section 2, Condition O.(1) of Ordinance PDMU 96-01(Z)(G) and Section 4, Condition N.(1) or Ordinance 97-23, Cooper Creek shall make the following payment to Manatee County for allocation to the Sheriff's Department of Manatee County: A payment of \$17,575.00, adjusted for inflation as set forth below, prior to the next Final Site Plan approval for the project or the impact fees for the Law Enforcement component for the remaining unpaid development of the project, whichever is greater.

The \$17,575.00 shall be adjusted to compensate for inflation, for any unpaid balances after October 1, 1997, based on the Consumer Price Index for Urban Consumers between July 1, 1997 and the date of payment.

- 3. Cooper Creek shall satisfy its obligation to make the payments outlined in paragraphs 1. and 2. by remitting a certified or bank cashier's check made payable to Manatee County.
- 4. Upon payment of the fees as provided above, Cooper Creek shall be entitled to Emergency Medical Services and Police Protection impact fee credit for payments made to Manatee County pursuant to paragraphs 1. and 2. of this Agreement for all building permits in Phase One obtained after execution of this Agreement.
- 5. Any contribution not expended or encumbered for professional services, construction, or acquisition of Public Safety facilities to serve this project within ten (10) years after the payment shall be returned to Cooper Creek or its designee. Any credit for impact fees received, pursuant to paragraph 4. of this Agreement, shall be deducted from the amount returned, pursuant to this section.
- 6. The County agrees that this Agreement constitutes and satisfies Cooper Creek's entire obligation for Phase One for Emergency Medical Services regarding Emergency Medical Services and Police Protection for the project as set forth in the proposed DRI, provided that the Agreement does not address or satisfy Cooper Creek's obligations regarding Fire Protection.
- 7. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. Each party covenants and represents to the others that it is validly organized and existing under the Laws of Florida, that it has full power and authority to enter this Agreement and comply with the terms hereof, and that the persons executing this Agreement on behalf of such party have been duly and properly authorized to sign on behalf of such party.

IN WITNESS WHEREOF, the parties have executed and caused to be executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

COUNTY LINE ROAD ASSOCIATES,
a Florida Limited Partnership

Signature of Witness

Print/Type Name of Witness

By: _____
Paul L Paver, as General Partner of

Signature of Witness

County Line Road Associates.

Print/Type Name of Witness

Signature of Witness

SOS PARTNERS LIMITED PARTNERSHIP,
a Delaware Limited Partnership

By: **SOS Properties Management Company,**
Incorporated

Print/Type Name of Witness

Signature of Witness

By: _____
Nancy A. Deyirmenjian, as Vice President
of SOS Properties Management Company,
Incorporated

Print/Type Name of Witness

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared Paul L Paver, as General Partner of County Line Road Associates, a Florida Limited Partnership, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to this Agreement, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

SEAL

Signature of Person Taking Acknowledgement

Type Name

My Commission Expires:

Title or Rank

Commission No.:

Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared Nancy A. Deyirmenjian, as Vice President for **SOS PARTNERS LIMITED PARTNERSHIP**, a Delaware Limited Partnership, on behalf of SOS Properties Management Company, Incorporated, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as its authorized agent for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

SEAL

Signature of Person Taking Acknowledgement

Type Name

My Commission Expires:

Title or Rank

Commission No.:

Serial Number, if any

COUNTY OF MANATEE, FLORIDA, by and through its
Board of County Commissioners

By: _____
Chairman

ATTEST:

R. B. Shore
Clerk of the Circuit Court

EXHIBIT "A"

FROM THE S.W. CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, BEING ON THE NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD, RUN S 89°24'05" E (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLAN COORDINATE SYSTEM), ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 303.59 FEET TO THE POINT OF BEGINNING; THENCE N 00°20'30" W, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 36, A DISTANCE OF 5343.35 FEET; THENCE N 02°45'45" E, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, A DISTANCE OF 2674.17 FEET TO THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 25; THENCE S 89°10'54" E, ALONG SAID NORTH LINE, A DISTANCE OF 2335.77 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.R. 93 (I-75, SECTION 13075-2402); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE (AND INTERSECTION RIGHT OF WAY) THE FOLLOWING EIGHT COURSES: VIZ: S 13°40'31" E, A DISTANCE OF 6145.63 FEET; AND S 09°40'31" E, A DISTANCE OF 518.74 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3180.04 FEET; AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°30'18", A DISTANCE OF 638.55 FEET; AND S 04°37'06" W, A DISTANCE OF 450.00 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 216.0 FEET; AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83°40'21", A DISTANCE OF 315.44 FEET, TO THE P.T. OF SAID CURVE; AND S 88°17'27" W, A DISTANCE OF 628.42 FEET; AND N 89°25'07" W, A DISTANCE OF 298.24 FEET ; AND S 00°34'53" W, A DISTANCE OF 2.00 FEET, TO THE ABOVE DESCRIBED NORTH RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING EIGHT COURSES: VIZ: N 89°25'07" W, A DISTANCE OF 440.34 FEET; AND N 89°24'06" W, A DISTANCE OF 7.33 FEET, TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5865.58 FEET; AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 828.89 FEET, TO THE P.T. OF SAID CURVE; AND S 82°30'06" W, A DISTANCE OF 549.31 FEET; AND S 00°35'54" W, A DISTANCE OF 33.33 FEET; AND S 82°30'06" W, A DISTANCE OF 12.41 FEET, TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5626.58 FEET, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°05'48", A DISTANCE OF 795.11 FEET, TO THE P.T. OF SAID CURVE; AND N 89°24'05" W, A DISTANCE OF 220.21 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 604.68 ACRES, MORE OR LESS.

"EXHIBIT F"

DEVELOPER COMMITMENTS

FILED

1. The home sites will be clustered around the sites/ natural features. (ADA Pg 12-1) 1 36 PM '97
2. Infrastructure including water, sewer and electricity, along with roadway paving, will be in place prior to certificate of occupancy. (ADA, Pg 32-2)
3. There will be a minimum of three percent of the original coniferous remaining after development. (Pg 12-4, S.R.) SECRETARY OF STATE
4. Standard fugitive particulate abatement procedures will be used to control dust prior to construction of the various phases of Cooper Creek Center. (Pg. 13-5, S.R.)
5. Manatee County Air Pollution Rules take effect at the time of construction approval and will apply throughout the balance of construction of Cooper Creek Center. (Pg. 13-5, S.R.)
6. Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering, or the use of calcium chloride will be employed as needed. (ADA, 14-2; SRII, pg A1-10)
7. Flood elevations will generally not be altered by the development; however, the acreages within the flood hazard zones will change due to dredge and fill activities which will occur as part of the construction of the stormwater management system and site grading plan. (Pg. 17-1, S.R.)
8. The 25-year flood elevations of Cooper Creek will be shifted approximately 0.5 feet higher within the project by the construction of a new bridge across Cooper Creek and encroachment down to the 10-year floodplain of Cooper Creek. (Pg. 17-1, S.R.)
9. The 100-year flood elevation will not be increased off-site due to the additional flow capacity provided by the new auxiliary floodway to be constructed in the uplands along the northwest side of Cooper Creek. (Pg. 17-1, S.R.)
10. There will be no significant net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)
11. Clearing of existing vegetation will be selective, emphasizing conservation of valuable existing plant materials and wetlands. (ADA, pg 12-5)
12. The applicant agrees to cooperate with the Division of Archives and Manatee County in deciding the ultimate disposition of any archaeological or historical resources found during construction. (Pg. 19-1, S.R.)
13. The project will comply with the requirement of Chapter 17-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)
14. The wastewater collection system outside the public rights-of-way will be maintained by the owner of the property. (Pg. 21-1, S.R.)
15. Water users in the industrial park will have individual meters in order to encourage water conservation. (Pg. 21-2, S.R.)
16. The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions. (ADA, Pg. 22-1)
17. The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting and equipment., (ADA, 25-3)
18. The proposed facilities and open space will be owned, operated, and maintained by the Developer, its successors and assigns. (SRIV, pg. 17)
19. Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA, Pg. 14-2)
20. When practical, conveyance within the drainage system will incorporate isolated Wetland systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA, 15-10)

21. Alterations to the floodplain and floodway of Cooper Creek will allow portions of the floodplain and floodway to be utilized for development or stormwater management without reducing the conveyance of Cooper Creek or causing an increase in the 100-year flood stage. (Pg. 17-6, ADA)
22. A new crossing between powerline bridge and I-75 bridge may be constructed having a flow cross section at stage 18.0 feet msl at least equal to the existing box culvert crossing under University parkway. This crossing will be either a bridge or a triple box culvert with the center barrel 2.0 feet lower than the outer barrels to provide for passage of animals along the Cooper Creek corridor. (Pg. 22-14, ADA)
23. Natural trail or other passive recreational elements may be constructed in Subbasin A outside the banks of the creek but within the floodway. These elements will be design not to reduce the conveyance of Cooper Creek and its floodway. (Pg. 22-14, ADA)
24. The fire flow required will be based upon the proposed type of construction at the current recommendation of the National Board of Fire Underwriters at the time of construction. (Pg. 23-4, ADA)
25. The developer will satisfy county and SWFWMD regulations regarding encroachments on the floodplain of Cooper Creek. (PBS&J/TBRPC meeting June 25, 1985)
26. No upland development is planned within the 25-year floodplain of the Braden River, Subbasins D, E, F and G. (Pg. 17-8, S.R.)
27. Four wildlife corridor areas located along the tributaries within the project will be protected from any future development other than recreation and stormwater retention, through the use of easements and restrictive covenants. (P. 18-1, S.R. and Pg. 18-5, ADA)

PRELIMINARY DEVELOPMENT PLAN (REVISED)
NO. PDR/PDI/PDC-86-16(P)(R2) - COOPER CREEK CENTER
SUBPHASE 1, PHASE I

SECRETARY OF STATE

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FILED

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 81-4, The Manatee County Comprehensive Zoning and Land Development Code; and finding PDR/PDI/PDC-86-16(P)(R2) consistent with Manatee County Ordinance No. 89-01, The Manatee County Comprehensive Plan, Preliminary Development Plan No. PDR/PDI/PDC-86-16(P)(R2) is hereby APPROVED for a 303,450 square foot shopping center, subject to the following stipulations and with the following waiver:

STIPULATIONS:

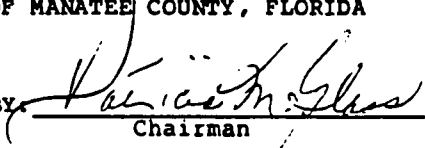
1. All conditions of the Development Order (R-86-323) and stipulations of rezone (Z-83-12[R]), as may hereinafter be amended, shall apply to this approval.
2. The berm along Cooper Creek Boulevard shall maintain a minimum average height of four feet (4') and in no case shall be less than 2 feet (2') high at any location.
3. The design of the building facades and dumpster areas shall be consistent with the plans submitted and approved with the Preliminary Development Plan application. With the exception of the three doors listed below, the rear loading doors for all shops and stores shall not be an overhead door and shall be placed perpendicular to the main rear facade of an individual building. Two overhead doors may be provided for the building located at the northeast corner of the center and one door may be provided for the building located at the southeast corner of the center, provided a superior design alternative including landscaping and buffering acceptable to the Director of Planning and Zoning is provided.
4. Prior to or simultaneously with submitting the Final Development Plan, the applicant shall submit for substantial deviation determination and amend their development order.
5. A sidewalk which provides linkage to the stores at the southern portion of the shopping center shall be provided through the interior parking area.
6. Compliance with the Site Development Design Standards, which are a requirement of the Final Master Development Plan for a subphase of a phase.
7. Conveyance of stormwater from the County right-of-way to the stormwater management system shall be through a closed system. No temporary ditches will be permitted. All off-site stormwater contributions are to be accommodated through the site.
8. No signage shall be located along the rear facades of any shops and stores.
9. No deliveries shall be made by tractor trailer or semi-trailer trucks between the hours of 11:00 a.m. and 5:00 p.m.
10. All mechanical and air conditioning facilities for the center shall not be visible from a six foot (6') height at the property boundaries. Where not otherwise blocked from view, all mechanical and air conditioning equipment shall be screened from view by a decorative screen approved by the Planning and Zoning Department such that the equipment is not visible from the same elevation as the highest part of the particular equipment which is being screened.

WAIVER:

1. Waive of street numbering requirements to allow the use of the name "Cooper Creek Boulevard" in conjunction with street numbering.

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this the 29th day of August, 1991.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 
Chairman

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

"EXHIBIT H"

**SURFACE AND GROUND WATER MONITORING PLANS
COOPER CREEK CENTER
DEVELOPMENT OF REGIONAL IMPACT**

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(3) of the Cooper Creek Center Development Order. The Developer* shall develop a monitoring plan addressing the criteria listed below within six months of approval of this Development Order.

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet and dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.
- b. Parametric coverage of the monitoring plan should include the following:
- specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium
 - silver
 - total coliform
 - fecal coliform
 - BOD-5
 - primary organics (pesticides and herbicides)
- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a 1/2 inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

SECRETARY OF STATE

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FILED

- d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

**EXHIBIT I
MASTER DRAINAGE PLAN**

SECRETARY OF STATE

NOV 14 1 39 PM '97

FILED

(SEE ORDINANCE 97-23)

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 4th day of November, 1997.

SUBJECT: MANATEE COUNTY ZONING ORDINANCE PDMU-96-01(Z)(G) COOPER CREEK CENTER: A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDI/WP-E/ST, PDC/WP-E/ST, AND PDR/WP-E/ST TO PDMU/WP-E/ST, RETAINING THE WP-E/ST (EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT) OVERLAY DISTRICTS; APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 1,280 DWELLING UNITS, 497,000 SQ. FT. OF COMMERCIAL SPACE (INCLUDING A 400 ROOM HOTEL), AND 200,000 SQ. FT. OF INDUSTRIAL OR INSTITUTIONAL SPACE; AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 10th of November, 1997, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

Deene L. Kearney
By: Deputy Clerk



DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
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



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET
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

November 14, 1997

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY
Nov 19 8 32 AM '97

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters of September 10 and November 10, 1997 and certified copy each of Manatee County Ordinance Nos. PDMU-96-01 (Z)(G) and 97-23, which were filed in this office on November 14, 1997.

The duplicate copy of each showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures