

ORDINANCE 05-17

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCE 93-49 AND ORDINANCE 97-62) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R. B. SHORE

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WHEREAS, the land development project known as Gateway North, a legal description of which is provided below ("Project"), lies within the unincorporated areas of Manatee County; and

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 92-30, a development order approving the Gateway North DRI; and

WHEREAS, the Department of Community Affairs ("DCA") appealed the Gateway North DRI development order to the Florida Land and Water Adjudicatory Commission as authorized by Section 380.07, Florida Statutes; and

WHEREAS, on February 24, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-49) for the Gateway North DRI, adopting language to settle administrative action between the Department of Community Affairs and the Developer; and

WHEREAS, on August 26, 1997, the Board of County Commissioners adopted an amended Development Order (Ordinance 97-62) to extend the buildout and commencement dates of the Development Order; and

WHEREAS, the above described changes, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Gateway North, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Developer has requested changes to the Development Order for Gateway North; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

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

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Tampa Bay Regional Planning Council; and

WHEREAS, the Applicant declared themselves sufficient on January 4, 2005; and

WHEREAS, the County* on June 16, June 21, and August 4, 2005 held duly noticed public hearings on said NOPC and the language proposed by the Developer* to amend and restate Ordinance 93-49 and Ordinance 97-62, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 4th DAY OF AUGUST, 2005 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #21, ORDINANCE 97-62

Ordinance 92-30 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Gateway North Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Nos. 92-30, 93-49, and 97-62) shall be superceded by this Ordinance. Provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, and all

other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All recitals preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 7 of this Ordinance as required by Section 380.06, Florida Statutes. The report was rendered on May 12, 2005, following public hearing.
- C. The Board of County Commissioners held public hearings on August 4, 2005 regarding said amendment to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.
- D. The proposed changes to the DRI regarding the property described in Section 8 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments specified in Section 7 of this Development Order.
- E. The Developer* of the Project* submitted to Manatee County a NOPC, dated April 12, 2004, which is incorporated herein by reference.
- F. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (see Attachment 1).
- G. The real property which is the subject of this Development Order is legally described as set forth in Section 8, herein.
- H. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- I. The authorized agents and their address for the Project* is Tom Spence of TW Acquisitions, Inc., 877 Executive Center Drive, Suite 205, St. Petersburg, FL 33702.
- J. The owner of the property, which TW Acquisitions, Inc. intends to develop, is Property Reserve, Inc., a Utah corporation.

- K. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.
- L. The applicant declared its application sufficient on January 4, 2005.

SECTION 3. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
 - 2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 2020 Manatee County Comprehensive Plan, as amended).
 - 3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on February 14, 2005 regarding this NOPC.
 - 4. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
 - 5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS:

- A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A

through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service for all services except potable water, has been issued for the land uses listed in Phase 1 as defined in Ordinance PDMU-91-01(G)(R3), Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phase 2, and Phase 3 for land uses and acreage, but shall address only roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. Potable water and sanitary sewer concurrency will be reviewed separately at the time of each Final Site Plan or Construction Plan approval.

TABLE 1
LAND AREA AND USES

Use	Acres	Square Feet	Units	Land Use Exchange Maximum Increase
Mixed Use	130.2	1,803,200		6 acres, or 60,000 sq. ft.
Office	0	960,500		
Office/Warehouse	0	397,500		
Commercial	0	445,200		
Residential				
Single-family	352.7		1,647	Increase of combined residential dwelling units of 171 dwelling units regardless of type
Multi-Family	59.8		722	
Single-family Attached (Townhouse)	49.3		431	

Lake/Detention	129.3			
School	20.0			
Park *	0			
Recreation Center	22.1			
Wetlands**	162.1			
Mitigation***	0			
Detention	0			
Open Space	57.0			
R.O.W./ Transmission Lines	53.8			
Community Service	1.9			
Totals	1,038.2	1,803,200	2,800	

* The park was dedicated to Manatee County in 1999 and is no longer included the project acreage.

** Wetland acreage may be revised as wetland limits are verified and approved by the appropriate regulatory authority(ies).

*** Existing wetlands will be restored or enhanced. Specific acreages and locations will be determined during site permitting.

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

- a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.
- b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: School, recreation center, wetlands, mitigation, detention, open space, and R.O.W. transmission lines.

- c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1A 2005-2014*	Phase 1B 2005-2014*	Phase 2 2007-2016*	Phase 3 2013-2019*	Totals
Residential Dwelling Units					
Single-Family	1,422	0	0	225	1,647
Townhouse/Attached Villa	368	0	0	63	431
Multi-Family	578	0	144	0	722
Total Residential	2,368	0	144	288	2,800
Mixed Use					
Commercial (sq. ft.)	200,000	186,000	0	59,200	445,200
Office (sq. ft.)	0	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	70,000	30,000	150,000	147,500	397,500

* The phasing buildout dates shall be February 20th of the years indicated.

- C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan.

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

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

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

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

constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

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

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

The Developer* shall notify the Department of Community Affairs and TBRPC of each proposal for a Land Use Exchange and a revised General Development Plan by submitting each proposal for a Land Use Exchange and a revised General Development Plan to the Department of Community Affairs and TBRPC.

SECTION 5. DEFINITIONS:

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

- A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Exhibits 1 and 2 (Revised Map H and Preservation/Conservation Map, respectively), the NOPC submitted on January 28, 1997, and the NOPC submitted on April 12, 2004.
- B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "County*" shall mean Manatee County, a political subdivision of the State of Florida.
- D. "Developer*" shall mean Property Reserve, Inc., and TW Acquisitions, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

- E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.
- G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:
 - 1. existing topography;
 - 2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
 - 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
 - 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- H. "Office/Warehouse*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.
- I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map dated 9/30/04 attached as Exhibit 2
- J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 8 herein.
- K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.
- L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida

Game and Freshwater Fish Commission, the County,* and the Environmental Action Commission.

- M. "Ambient Water Quality Monitoring Requirements for Development" shall mean the Manatee County Environmental Management Departments Ambient Water Quality Monitoring Requirements for Development document, hereinafter (AWQWR), and attached hereto as Exhibit 4.

SECTION 6. DEVELOPMENT CONDITIONS:

Transportation

- A.(1) Access to and from the site shall be in accordance with state and local access regulations and as shown generally on Revised Map H.
- A.(2) Provisions shall be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road (Gateway Boulevard) in later phases. This road shall be constructed at the cost of the Developer prior to Development Approval of Phase 1B or 2 in Ordinance PDMU-91-01(G)(R3) or Final Plat or Final Site Plan approval for 1,800 dwelling units. This dedication shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.
- A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law. **(Completed)**
- A.(4) The Developer* shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for Gateway Boulevard and the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.
- A.(5) The Developer* shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project*.

- A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.
- A.(7) When Certificates of Occupancy have been issued for 120,000 square feet of commercial space (land use 820 of Trip Generation, Seventh Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that external trips improvement thresholds specified in Table 3 for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

For the section of Moccasin Wallow Road, from I-75 to US 41, annual monitoring shall commence at the same time annual monitoring of external project trips commences per this Development Order (706 net external p.m. peak hour trips).

The results of the annual monitoring studies and a statement that the improvement thresholds have or have not been reached shall be reported in each annual report. In the event that monitoring studies indicate an improvement threshold has been reached, the Developer shall immediately notify Manatee County,

- A.(8) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the

TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

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

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

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by 10% by 2000 through expanded ride sharing efforts.
- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2000.

A.(9)

The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project*. In order to maintain adequate levels of service in the area, the Developer shall comply with one of the following two options:

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively
2. The Developer* may elect to proceed with development of Phase 1 until such time as the first external trip threshold (723 net external project trips) for required improvements as specified in Table 3 is attained, pursuant to the traffic analysis provided as part of the NOPC filed April 12, 2004. Upon attaining the first external trip threshold specified in Table 3 (723 net external project trips), the required

improvements for that threshold (i.e., addition of a second NB left-turn lane and signalization at intersection of Moccasin Wallow Road and the I-75 northbound ramps, and addition of a westbound left-turn lane at the intersection of U.S. 41 and Moccasin Wallow Road) must be under construction or committed for funding in the first year of the FDOT or Manatee County Capital Improvement Program or work program). Further development may proceed only as improvements identified for specific net external trip thresholds as shown in Table 3 are under construction or committed for funding in the first year of the Capital Improvement Program or work program as thresholds are attained.

- A.(10) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase described in Table 2, the Developer* shall have the option to submit to the County*, the State, and TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s), and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.
- A.(11) Upon reaching the 75% of the improvement threshold for the intersection of I-75 Northbound Off-Ramps with Moccasin Wallow Road (545 net external Project trips), the Developer shall commence monitoring of the operating conditions of the intersections of Moccasin Wallow Road and the I-75 Northbound and Southbound ramps, as well as the I-75 ramps connecting to Moccasin Wallow Road. Should any of these monitored facilities be found to be operating below Level of Service D, further development shall cease until improvements needed to raise the operation of the facilities to Level of Service D are under construction.

- A.(12) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A(13) The Developer shall provide a paved interneighborhood tie to the east to Stone Dam Preserve at a location mutually determined between the two projects. The road shall be constructed prior to completion of Phase 1A of Zoning Ordinance PDMU-91-01(G)(R3) and shall include traffic calming measures as approved by the Planning and Transportation Departments.
- A(14) The Developer shall construct a paved interneighborhood tie to the west for the access point shown on McGuire Road prior to completion of Phase 1A of zoning ordinance PDMU-91-01(G)(R3) development.
- A.(15) Prior to development of Phases 2 or 3, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of those phases.
- A.(16) The following roadway and intersection improvements shall be required as part of Phase 1. The Developer shall, at the time of each application for Preliminary Site Plan approval, furnish to the County an accurate up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips for each land use category listed in Table 1.

TABLE 3

The following roadway links are determined to be required link improvements for Phase 1 of the Project*; due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

Link	From/To	Improvement	External Trip Threshold	ERUs*
Moccasin Wallow Rd	US 41 to Ellenton Gillette Rd	2LD to 4LD	1,808	2,200
Moccasin Wallow Rd	Ellenton-Gillette Rd to I-75	2LD to 4LD	1,085	1,320
I-75	SR 70 to SR 64	8-lane	2,460	2,993
I-75	SR 64 - US 301	8-lane	1,592	1,937
I-75	US 301 to I-275	8-lane or adopt LOS D standard	2,531	3,067

*ERU's. For the purposes of tracking development transportation impacts, the "Equivalent Residential Unit" (ERU) is defined as the amount of development with the equivalent PM peak hour net trip generation of a single family unit. The equivalencies for various land uses are as follows:

- One Single-Family Detached Residential Unit = 1.00 ERUs
- One Single-Family Attached Residential Unit = 0.58 ERUs
- One Multi-Family Residential Unit = 0.71 ERUs
- 1,000 square feet gross floor area of general commercial = 4.23 ERUs
- 1,000 square feet of office = 1.99 ERUs
- 1,000 square feet of office/service center = 0.79 ERUs.

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

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

Roadway	At intersection Access Point #	Improvement	External Trip Threshold	ERUs
Moccasin Wallow Rd	US 41	Signalize when warranted - Add WB left	723	880
Moccasin Wallow Rd	Ellenton-Gillette Rd	Signalize when warranted - Add EB/WB lefts	1,052	1,280
Moccasin Wallow Rd	Gateway Blvd (#1)	Signalize when warranted -Add EB left- Add WB right - Add SB left- Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted.	
Moccasin Wallow Rd	Commercial/Keystone Ranches (#3)	Signalize when warranted - Add EB and WB lefts - Add WB right - Add SB left - Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted*	
Moccasin Wallow Rd	Frontage Rd	Add channelized left- Add WB right - Add SB right	Must be completed at the time of construction of this access point.	
Moccasin Wallow Rd	US 301	Add EB left	2,169	2,639
Moccasin Wallow Rd	I-75 NB ramps	Signalize when warranted - Add NB off ramp dual left	723	880
Moccasin Wallow Rd	I-75 SB ramps	Signalize when warranted	As required by signal warrants	

*These improvements will not be required for development of the proposed fire station.

Wetlands

- B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy attached hereto as Exhibit 2 shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4).
- B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal

high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Planning Department, the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

- B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* shall be mitigated in accordance with the Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate
- B.(4) Exhibits 2 and 3 attached hereto identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Wetland impacts shown on the referenced table and figure are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Exhibits 2 and 3 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.
- B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* for approval, and TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative, and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.
1. The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:
 - a. Identification of existing dry and wet season site conditions;

- b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;
- c. Photographs and 24"X 36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- d. Narrative descriptions of any proposed wetland restoration activities and related issues;
- e. Estimated costs of wetland mitigation/restoration schemes; and
- f. Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants or mulch;
 - (5) Source of wetlands soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect

natural systems from development impact. All buffers, buffer restoration, sign requirements, and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).
- C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).
- C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.
- C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the approved preservation/conservation map (Exhibit 2).
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Any proposal to change upland preservation areas, as shown approximately on Exhibit 2, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

- D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:
 - a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

- b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
- c. Limit site work and construction to areas needed for immediate development;
- d. Develop asphalt roads as soon as possible;
- e. Initiate landscaping before development work is completed on a site;
- f. Construct sediment basins at the start of each drainage system phase;
- g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and
- h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

- E.(1) The Developer* shall institute the following procedures to ensure dust control during development of the Project*:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

- f. Remove dust producing materials as soon as possible;
- g. Clean (sweep) paved roads adjacent to site as necessary;
- h. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
- i. Limit site work and construction to areas needed for immediate development;
- j. Develop asphalt roads as soon as possible; and
- k. Initiate landscaping before development work is completed on site.

E.(2) Prior to development of Phases 2 or 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DEP, SWFWMD, and TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, and the County*, whichever is more stringent; to provide retention, or detention with filtration/ assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Project*.

- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County* for approval, prior to further Development Approvals*.
- F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, and the County*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:
1. Pre-construction monitoring:
 - a. Sampling shall be initiated at least one year before the start of construction, in accordance with the provisions set forth in the AWQWR (Exhibit 4). It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 4, is provided as Exhibit 5. This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-development phase, as specified.
 - b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 4). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

2. Construction monitoring:

- a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies shall be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developer's onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The engineer of record for the project will assign these tasks to a designated onsite manager and will ensure that these tasks are performed accordingly. The Sediment Control Program and engineers documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the development's Supplemental Water Quality Monitoring Plan, provided as Exhibit 5. Inclusion in this provision will allow the County to design a monitoring program that is site specific but does not provide for a blanket exemption of construction monitoring.
- b. Any violation of water quality standards within a drainage basin under construction shall be reported to the County* and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

- a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the developments Supplemental Water

or adversely impact water quality downstream of the Project* site.

- F.(6) Prior to any site alteration, the Developer* shall implement a ground water quality monitoring plan that is approved by the County*. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA*. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, DEP and EMD will be properly notified for further action. FDEP will have the opportunity to review and comment to Manatee County on the groundwater plan proposal.

Upon completion of the groundwater program, a monitoring report will be submitted to the County* and SWFWMD for review and approval. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved by the County* prior to commencement.

An official laboratory report shall accompany the ground water monitoring report upon submittal. The report shall include recommendations regarding monitoring during construction and post-construction.

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

Prior to site development activities, the applicant will submit an ongoing groundwater monitoring plan to the County, in accordance with AWQWR in order to meet those specific monitoring requirements during construction and post-construction activities.

- F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.
- F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

- F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.
- F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage or treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

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

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
- H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
- H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- H.(8) Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.
- H.(9) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

- I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*
- I.(2) No additional permanent septic system shall be permitted within the Project*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.
- I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28), which is attached hereto as Attachment 6.
- I.(6) The Developer* shall implement a wastewater reuse system when feasible.

Solid Waste

- J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.
- J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, EMD, DEP, and TBRPC, and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - f. Describe a program to inform owners and tenants of the information contained in the plan;
 - g. Describe construction requirements for hazardous waste holding areas;
 - h. Describe typical spill clean up methods; and
 - i. Be updated and distributed to each non-residential land user annually.
- J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J.(4) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permissible temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

- J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- K.(1) The Project shall contain, at a minimum, 348.4 acres of open space (approximately 162.1 acres of wetlands, 129.3 acres of lakes, and 57.0 acres of open space) in addition to approximately 22.1 acres committed to recreation as shown on Exhibit 6. Recreation areas within the Project shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (22.1 acres with facilities) shall be completed prior to buildout of Phase 1A residential units. (The 24.3 acre park site has been dedicated to Manatee County).
- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.
- K.(3) All recreation, park, and wetland sites, as shown on Revised Map H, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- K.(4) The Project's parks and recreational facilities shall be accessible to the elderly, the handicapped.

Education

- L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the school Board at any time upon request. If a request for dedication from the School Board occurs prior to 2007, any necessary access to the site, water, or sewer shall be the responsibility of the School Board. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until on or after 2007, an internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, if the School Board elects to postpone development of the school site until on or after

2007, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 day after receipt of notice from the School Board Superintendent, provided such notice is received no earlier than 2007, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction. The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance.

Health Care, Police, and Fire

- M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the approval of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.
- M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for Vertical Development in Phase 1, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this

site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.
- M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.
- M.(6) The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of Sheriff's Office services necessary to serve the Project* or any phase or subphase thereof.

Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest later development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

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

General Conditions

- P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* shall be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 7 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

- Specific provisions for on-site housing delivery, including housing delivery alternatives;
- Specific provisions for off-site housing in addition to on-site housing when on-site housing would be impracticable;
- Specific mechanisms for HAIP implementation;
- Provisions to ensure continued adequacy of units provided; and
- Monitoring provisions.

P.(6) A Master Preliminary Site Plan for each phase shall be required.

P.(7) The Developer shall comply with the Manatee County requirement to provide a hurricane evacuation plan with either a Master Preliminary Site Plan or each individual Final Site Plan. Provided the school is constructed to serve as a public shelter for emergency management pursuant to Section 1013.372(1), F.S., Developer may incorporate this shelter capacity in its hurricane evacuation plan.

P.(8) The Developer, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on or before August 26th of each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any changes in the plan of development or in the

- representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
 - d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14) (d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
 - k. Information on the actual prices and rents of housing units

constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

- I. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).
- m. Any other information required pursuant to general law.

SECTION 7. DEVELOPER* COMMITMENTS:

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

A. Air

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

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

B. Water

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

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

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

A surface water quality monitoring program shall be completed. This monitoring program shall start prior to beginning any work on the site that might degrade stormwater, and shall continue through Project* build-out.

(SR, 11/12-18)

C. Vegetation and Wildlife

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

In regard to the negative influences of domestic pets, exotic plant landscaping, and domestic toxic chemicals, the applicant shall provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

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

The construction of the stormwater management system shall meet or exceed the requirements of SWFWMD. (ADA*, 22-2)

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

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

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

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

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

G. Energy

The applicant shall coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)
Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

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

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

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

H. Recreation and Open Space

The park site shall be open to the general public. Other recreational and open space amenities will be for persons living and working at Gateway

North. (ADA*, 27-2)

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

I. Education

The 20.0 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

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

K. Fire

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

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

L. Transportation

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

SECTION 8. LEGAL DESCRIPTION:

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)

THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:

DESCRIPTION : (O.R. BOOK 1357, PAGE 134)

PARCEL A

THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD, AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B

THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.

LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C

THE SOUTHEAST 1/4 AND THE EAST 2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD AND 40TH AVENUE EAST.

PARCEL D

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS LANDS DESCRIBED IN OFFICIAL RECORD BOOK 291 AT PAGE 245 AND OFFICIAL RECORD BOOK 898 AT PAGE 872, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75.

PARCEL E

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL F

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTHWEST OF AND ABUTTING THE NORTHWEST RIGHT OF WAY LINE FOR INTERSTATE ROUTE 75.

PARCEL G

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15"EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET; THENCE NORTH 52°13'21" EAST, ALONG A FENCE, A DISTANCE OF 758.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE WEST, A DISTANCE OF 752.00 FEET; THENCE SOUTH 00°33'15" WEST ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE

OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 255, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-

WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 230 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For twenty years from the date upon which this Order becomes final and the appeal period is ended, the County* may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County* can demonstrate that:

A. Substantial changes in the condition underlying the approval of the Order

have occurred; or

- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County* to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County* to down-zone or alter the density of the Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 11. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 12. RENDITION:

The Planning Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs, and TBRPC.

SECTION 13. NOTICE OF RECORDING:

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

SECTION 14. SEVERABILITY:

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this

Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE:

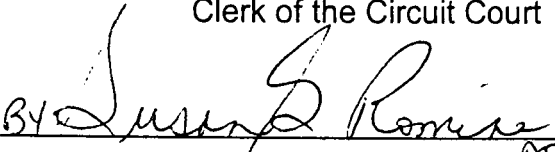
This Ordinance, 05-17 shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 97-62 during pendency of any appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 23rd DAY OF AUGUST, 2005.

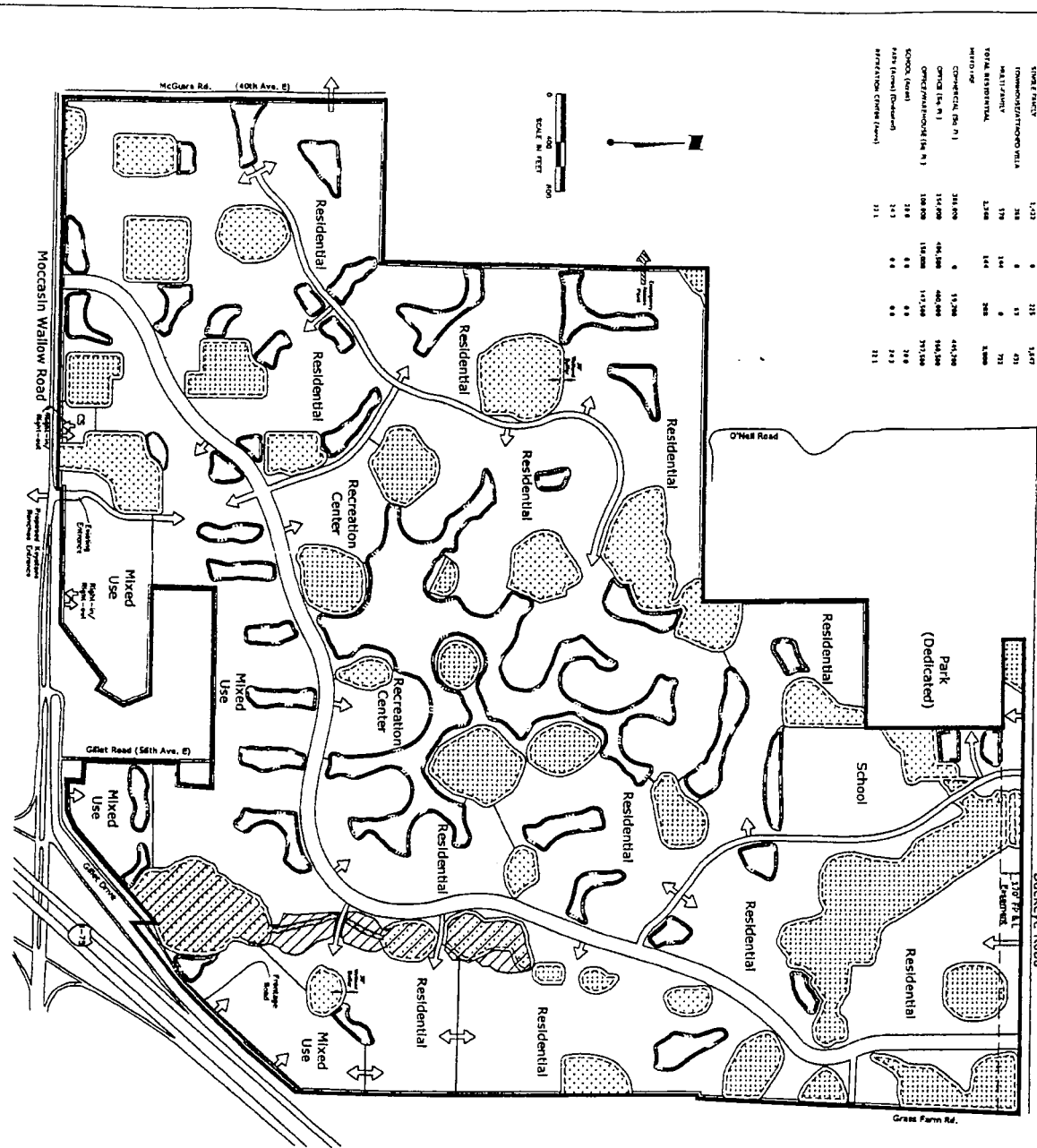
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 
Chairman

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

BY: 
RC



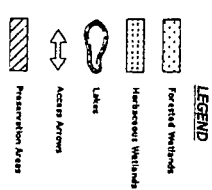


PHASING SCHEDULE

USE	PHASE 1 2007-2011	PHASE 2 2011-2015	PHASE 3 2015-2020	TOTALS
RESIDENTIAL (CONVERTIBLE UNITS)	1,233	0	315	1,547
SCHOOL (UNITS)	0	0	0	0
RECREATION CENTER (UNITS)	179	144	0	323
MULTI-FAMILY	0	0	0	0
TOTAL RESIDENTIAL	1,412	144	315	1,871
NET TO USE	344,000	49,200	44,200	437,400
OP - CONVERSION (Sq. Ft.)	15,000	40,000	40,000	95,000
OP - CONVERSION (Sq. Ft.)	100,000	15,000	171,500	286,500
SCHOOL (Acres)	24.8	0.0	0.0	24.8
RECREATION CENTER (Acres)	24.7	0.0	0.0	24.7
RECREATION CENTER (Acres)	31.1	0.0	0.0	31.1

LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL (CONVERTIBLE UNITS)	1,233	1,412,000	1,547
SCHOOL (UNITS)	0	0	0
RECREATION CENTER (UNITS)	179	171,500	323
MULTI-FAMILY	0	0	0
TOTAL RESIDENTIAL	1,412	1,583,500	1,871
NET TO USE	344,000	437,400	1,871
OP - CONVERSION (Sq. Ft.)	15,000	95,000	0
OP - CONVERSION (Sq. Ft.)	100,000	286,500	0
SCHOOL (Acres)	24.8	0	0
RECREATION CENTER (Acres)	24.7	0	0
RECREATION CENTER (Acres)	31.1	0	0
NET SPACE (Acres)	91.6	0	0
NET SPACE (Acres)	91.6	0	0
NET SPACE (Acres)	91.6	0	0
TOTAL	31.3	0	0



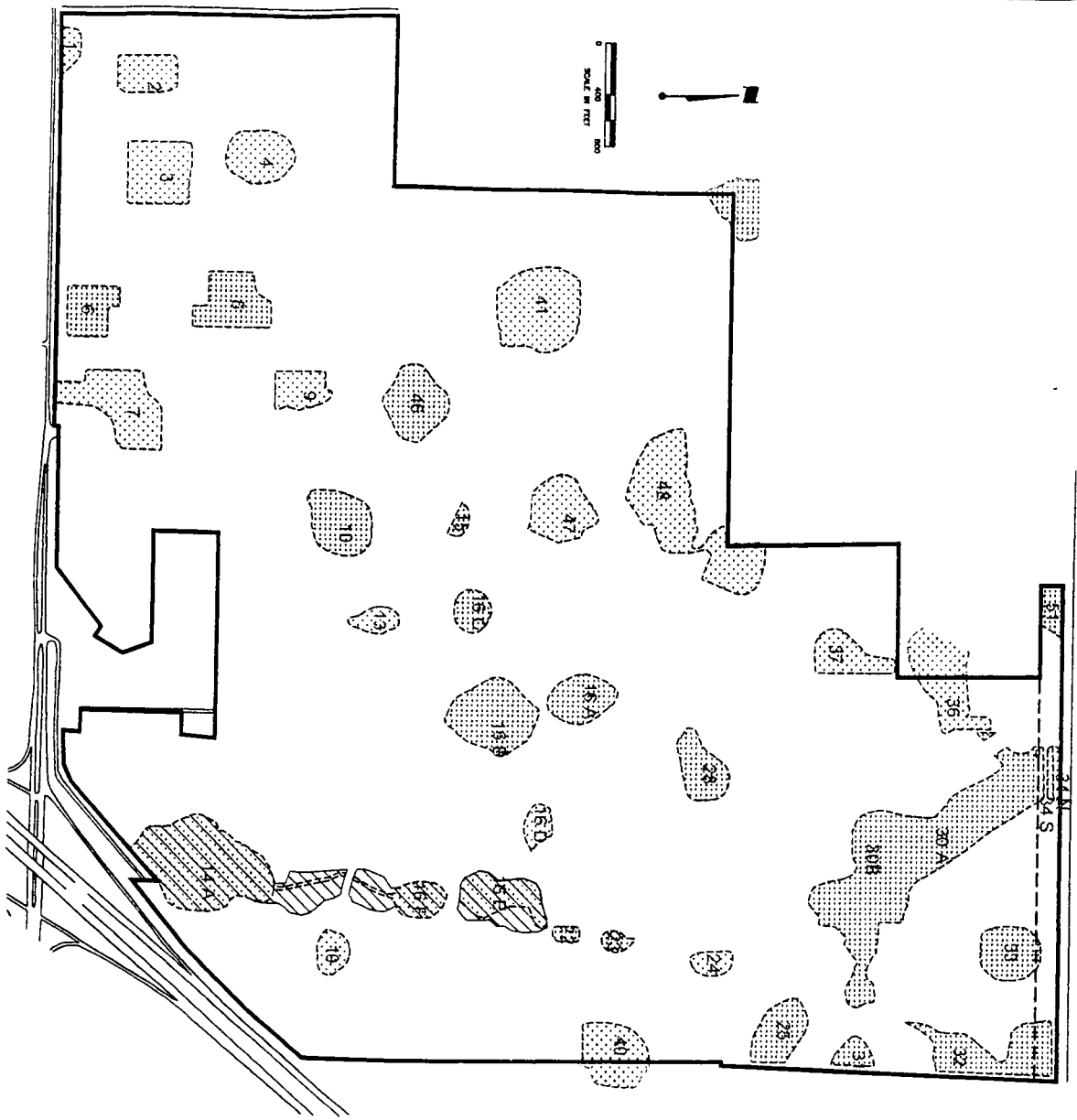
MASTER DEVELOPMENT PLAN Gateway North

A PLANNED DEVELOPMENT
By Taylor Woodrow

WilsonMiller
Planners • Engineers • Scientists • Architects
Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
100 Chesapeake Drive, Suite 400 • Tampa, Florida 33602
Phone: 813-281-8822 • Fax: 813-281-8823 • www.wilsonmiller.com

April 5, 2005
Exhibit 1
MAP H



LEGEND




-  Forested Wetlands (Conservation)
-  Herbaceous Wetlands (Conservation)
-  Preservation Areas

Exhibit 2

DRI #218

GATEWAY NORTH

PRESERVATION EXHIBIT/

CONSERVATION

SEPTEMBER 30, 2004

WISCHMAYER

10000 1st Avenue, Suite 200, San Diego, CA 92123
 (619) 594-1100
 www.wischmayer.com

Exhibit 3 Wetland Acreages and Impacts - November 3, 2004

Wetland #	EAC Wetland ID	Land Use	Proposed	
			Acres	Impact Acreage
1	14A	615	12.9	
2	19	610	1.6	
3	No Function	414	0.0	
4	50	615	0.2	
5	12	615	0.6	0.6
6	11	610	0.9	0.9
7	13	641	0.0	
8	13	641	1.4	
9	10	640	0.0	
10	10	640	4.7	
11	15	640	0.6	
12	16C	640	1.8	
13	16B	640	9.0	
14	16D	640	1.4	
15	16A	640	3.5	
16	47	610	5.0	0.3
17	16E, 16F	615	6.3	
18	52	640	0.0	
19	22	643	0.0	
20	22	619	0.5	
21	23	640	0.7	
22	40	640	3.2	
23	24	640	0.0	
24	24	640	1.2	
25	25	640	3.6	
26	31	640	1.2	
27	32	640	0.0	
28	32	640	6.4	
29	33	641	3.9	
30	34N, 34S	641	0.9	
31	30A	640	0.0	0.8
32	30A	640	17.0	0.1
33	30B	640	9.4	
34	27	643	0.2	0.2
35	26	640	0.2	0.2
36	28	640	3.4	
37	No Function	617*	0.0	
38	48	610	0.0	
39	51	640	1.3	
40	36	610	0.0	
41	36	610	2.7	
42	37	610	3.3	
43	48	610	0.0	
44	48	610	0.0	
45	48	610	0.0	
46	48	610	0.0	
47	48	610	12.5	0.6
48	21	640	0.6	
49	41	640	8.5	
50	46	610	0.0	
51	46	610	7.8	3.0
52	9	643	0.0	
53	9	610	2.6	
54	8	610	1.8	1.8
55	7	610	6.9	
56	6	610	3.2	
57	5	610	4.7	
58	4	610	4.1	
59	3	610	5.4	
60	2	610	4.2	1.3
61	1	610	1.0	
	49	610	0.3	0.3
Totals			172.2	10.1

Exhibit 4

Ambient Water Quality Monitoring Requirements for Developments

General Monitoring Plan Requirements

Applicants should establish by pre-development monitoring data collection the current status of any receiving waterbody of the proposed development under the Impaired Waters Rule, 62-303 F.A.C.. Monitoring plan designs must be pre-approved by the Environmental Management Department, Water Quality Division, which will also review the required reports.

Program Duration and Sampling Frequency

Water quality monitoring must meet the data sufficiency requirements of 62-303.320(4) F.A.C.. At least ten, independent samples with at least one sample from three of the four calendar seasons as described in the cited administrative code. However, sampling must be attempted in all four calendar seasons. Data collection must continue in successive calendar seasons until sufficient data are accumulated to determine the water body status. One year of monitoring data collection will normally be required to meet this criterion. Data from other entities do not satisfy this requirement for current monitoring data collection.

Sampling Stations

A minimum of one surface water sampling station is to be located in each water body that will receive stormwater discharges from the completed development. Additional stations may significantly increase the reliability of the monitoring program. Applicants should carefully consider if their monitoring program design is viable during the dry season. Samples from multiple stations must meet the independence criteria of 62-303.320(4) F.A.C..

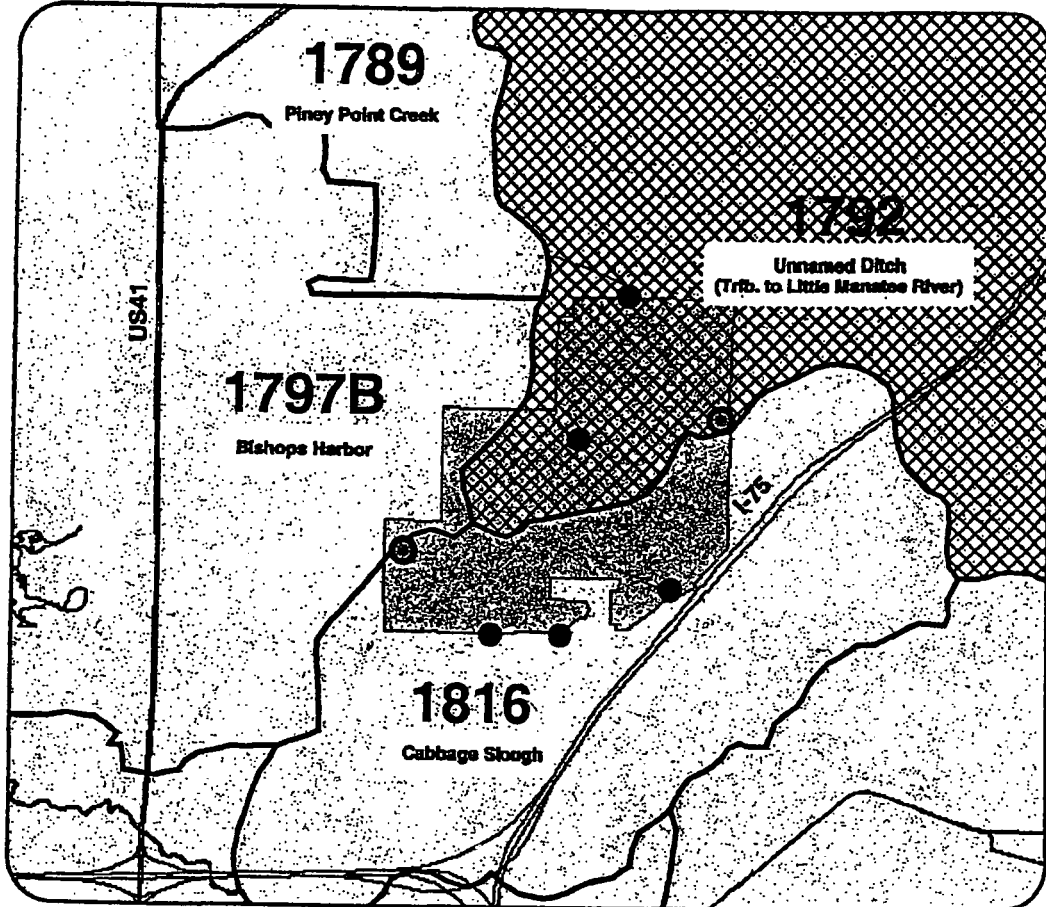
Quality Assurance

Monitoring data must meet all of the quality assurance requirements of 62-303.320(7) F.A.C. All monitoring data must be submitted to STORET.

Reporting

Applicants should submit quarterly status reports no later than 60 days following the end of each calendar quarter. Status reports will indicate where and when monitoring data were collected and summarize the results. A final, interpretive report is due no later than 90 days following the conclusion of the monitoring program. The report will evaluate the monitoring data using the procedures described in 62-303.300 F.A.C. (Planning List), State water quality standards in 62-302 F.A.C., and procedures used by the Florida Department of Environmental Protection Watershed Management Cycle, Phase 1 (Planning List). Data from other entities meeting the quality assurance requirements described above may be used in the interpretive report. Results should be submitted to STORET concurrently with the submission of the final report. Your final report should indicate how these data were labeled so that the submission can be verified through the STORET Internet interface.

Gateway North Water Quality Stations



- Groundwater-Deep Well Station
- Groundwater-Shallow Well Station
- Surface Water Station
- ▭ WBID Boundaries
- ▨ Impaired for Dissolved Oxygen-Run 14
- Major Roads



Exhibit 5

Gateway North/AKA Property Reserve, Inc. PDMU-91-01

Supplemental Surface Water Quality Monitoring Plan Proposal

The following presents a Supplemental Water Quality Monitoring Plan, in accordance with the stipulation under Development Order Condition F.(5) 1. Pre-Construction Monitoring for the above referenced NOPC development site. An aerial map showing the Gateway North NOPC site boundaries is provided following this monitoring plan proposal.

Baseline water quality monitoring was performed and approved by MCEMD for the original DRI project, in late 1997. The baseline monitoring continued through January 1999 in order to collect sufficient, representative surface water quality data to satisfy the Manatee County Ordinance 93-49, Development Order requirements, at that time. In the interim, MCEMD has mandated additional development order requirements in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired waterbodies.

The following supplemental water quality monitoring plan for ambient, surface water conditions is proposed in order to meet those additional requirements referenced in Exhibit "A" (MCEMD's "Ambient Monitoring Requirements for Developments") of the above referenced Development Order, during the pre-developmental phase of the proposed NOPC project. A copy of "Exhibit A" is provided with this monitoring plan for reference. Upon approval, the monitoring program will begin immediately in order to satisfy the one year of monitoring data collection prior to site development activities.

Sampling Stations/Locations:

Five water quality monitoring stations were established to monitor the DRI site during 1997 to 1999. The stations were located upgradient and downgradient of sub-basin drainages within the DRI site. The Gateway North DRI monitoring station locations are shown on the attached MCEMD Basin ID map, identified as Exhibit "B". Monitoring of the same locations is proposed for the supplemental water quality monitoring program in order to detect surface water quality trends for the water quality parameters previously analyzed.

Monitoring Frequency and Parameters:

Surface water sampling will be conducted at the five surface water monitoring stations (Exhibit "B") on a quarterly basis in order to meet the data sufficiency requirements of 62-303.320(4) F.A.C. At least ten, independent samples are to be collected with at least one sample from three of the four calendar quarters in order to determine the additional representative, ambient water quality conditions during the pre-development phase of the NOPC project.

The following parameters will be analyzed from samples collected from the monitoring stations:

Dissolved oxygen;
Temperature;
pH;
Conductivity/Salinity
Fecal and Total Coliform;
Turbidity;
Total suspended solids (TSS)
Total organic carbon (TOC)
Color
Carbonaceous biologic oxygen demand (CBOD)
Calcium magnesium (Ca Mg)
Potassium (K)
Sodium (Na)
Iron (Fe)
Chlorophyll a
Phaeophytic a
Nitrate
Total kjeldahl nitrogen (TKN)
Ammonia (NH₃)
Total nitrogen;
Nitrate + Nitrite
Total phosphorus
Total phosphate
Sulfate (SO₄)
Flouride
Chloride
Organochlorine Pesticides (EPA 608 parameter list)
Primary Herbicides: 2,4, 5-TP Silvex and 2,4 - D

Quality Assurance/Quality Control: Sampling/Analytical Methods

All sampling and field measurements will follow the applicable collection and quality control protocols and requirements described in DEP-SOP-001/01 (January 1, 2002) and DEP-QA-

001/92 (Laboratory Operations and Sample Collection Activities). Analytical methods will meet all of the quality assurance requirements stipulated in 62-303.320(7).

Reporting:

Reporting for the supplemental water quality monitoring program will be performed in accordance with the provisions in Exhibit "A". Field and laboratory analytical results for the supplemental monitoring periods will be submitted to MCEMD in a quarterly status report no later than 60 days following the end of each calendar quarter. These status reports will indicate monitoring data collection frequency, location and will summarize the results. An interpretive report will be submitted at the conclusion of the pre-development monitoring (for ambient water quality conditions) period, no later than 90 days following the final (pre-development) monitoring event. All data will be submitted to STORET as specified in Exhibit "A".

Attachments: (updated) Aerial Map Exhibit (DRI/NOPC site boundaries)
Exhibit "A" (MCEMD Ambient Water Quality Monitoring Document)
Exhibit "B" (MCEMD Basin ID map)

CC: Tom Spence, TW Acquisitions, Inc.
Greg Blanchard, MCEMD
Brenda Arnold, FDEP

\\Palmetto\public\Affairs\SLR-Taylor Woodrow\Water Quality-NOPC\Supplemental WQ Monitoring Plan Proposal 0604.doc

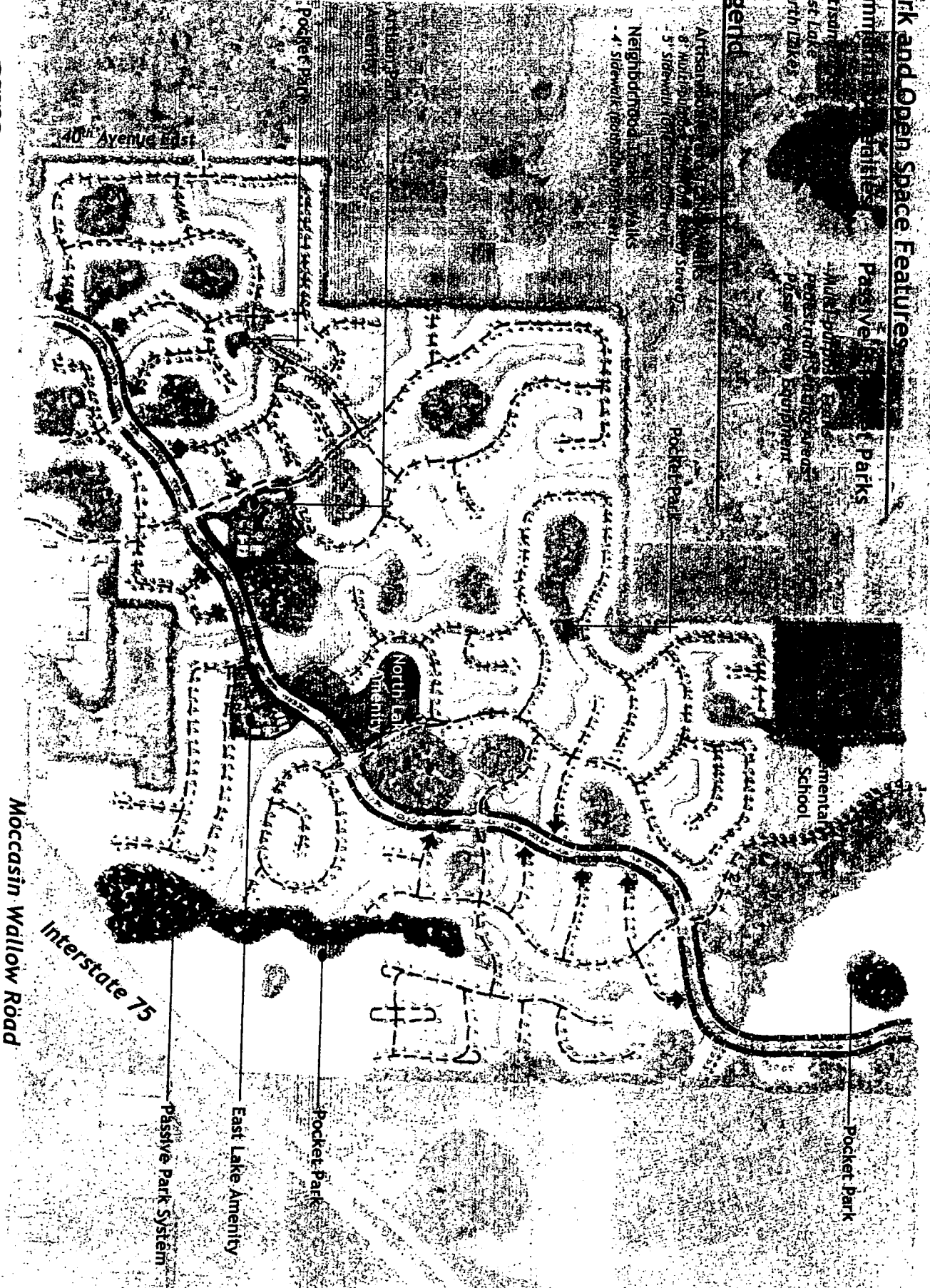
Park and Open Space Features

Community Amenities

- Artisan
- East Lake
- Northlakes
- Multi-Use Parks
- Recreation Areas
- Play Areas
- Equipment

Legend

- 8 Multi-Use Parks
- 5 Sidewalk/Bike Paths
- 4 Sidewalk/Bike Paths
- Neighborhood Sidewalks



ARTISAN LAKES

UNION

Park and Open Space Plan

Exhibit 6

Ervin Lovett & Miller

Wilson Miller

Taylor Woodrow