

**Resolution R-98-300 - Recission of Resolution R-97-63, the revised DRI  
Development Order for Cypress Banks (DRI #17)**

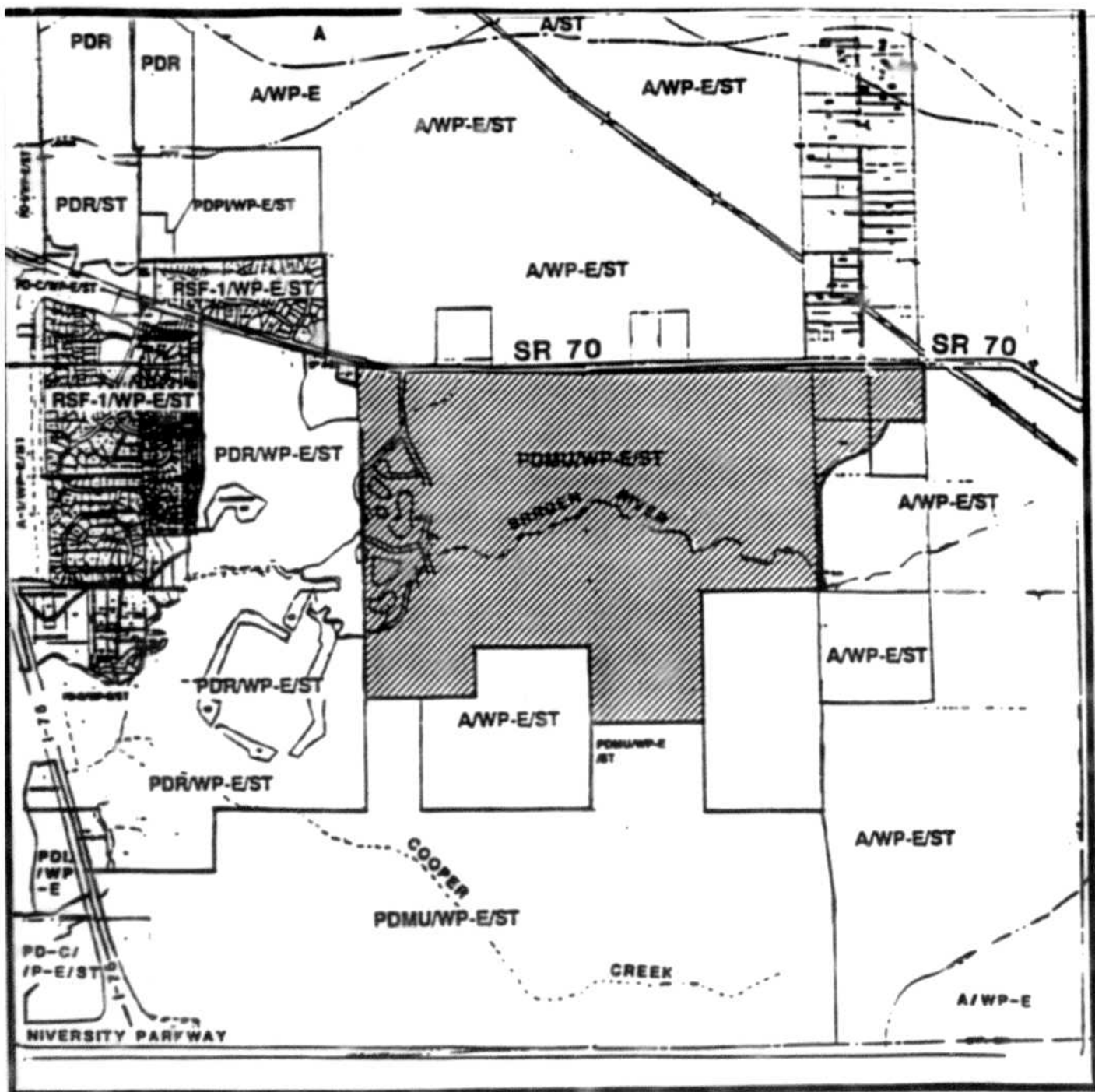
Request: The recission of R-97-63 will resolve an appeal filed by the Florida Department of Community Affairs on the Transportation Conditions attached to the revised Development Order for the Cypress Banks DRI (DRI #17), a project located on the south side of State Road 70, generally between the River Club Development and Lorraine Road containing ±1,790 acres. Rescinding of Resolution R-97-63 must be done in conjunction with the recission of Z-86-30(G)(R5), the Zoning Ordinance and General Development Plan approved for this DRI.

<b><u>App Received:</u></b>	<b>N/A</b>	<b><u>D.R.C.:</u></b>	<b>N/A</b>
<b><u>P.C.:</u></b>	<b>N/A</b>	<b><u>B.O.C.C.:</u></b>	<b>12/15/98</b>

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025(3), Florida Administrative Code, I move to RESCIND Manatee County Resolution R-97-63, replacing it in its entirety with R-95-220, as recommended by the Planning Staff.**

**(COMMISSIONER BRUCE)**



Project Number: DRI 17

Tax I.D.: SEE ATTACHED

Proposed Use:

Existing FLUC: UF-3, ROR

Existing Zoning: PDMU/WP-E/ST

Proposed Zoning: N/A

Acreage: 1,790.0±

Flood Zone: X, AE, A & FLOODWAY

Drainage Basin:

Commissioner: BRUCE

Map Prepared: 3/13/97

Requested By: SCHROEDER-MANATEE RANCH, INC., A DELAWARE CORP.

Section: 17, 20, 21, 22, 28 & 29 Township: 34 Range: 19



Manatee County  
Staff Report Map



Subject Property



# CASE SUMMARY

CASE NO.: R-98-300 (DRI #17)  
APPLICANT: Cypress Banks/Schroeder Manatee Ranch, Inc.  
REQUEST: Recission of Resolution R-97-63  
STAFF  
RECOMMENDS: APPROVAL with Limited Concerns

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## REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The site is located on the south side of State Road 70, generally between Lakewood Ranch Boulevard and Lorraine Road.
- Located to the NORTH is vacant land presently zoned AWP-E/ST.
- Located to the SOUTH is vacant land presently zoned AWP-E/ST and PDMU/WP-E/ST.
- Located to the EAST is vacant land presently zoned A/WP-E/ST.
- Located to the WEST is single-family residential development zoned PDR/WP-E/ST.

## SUMMARY: (nl)

The request is to rescind Resolution 97-63, which was approved on January 6, 1997. The purpose of Resolution 97-63 was to authorize commencement of Cypress Banks Phase II. Phase II includes 1,405 dwelling units, a 203,500 square foot shopping center, and two golf courses, to be developed from August 7, 2000 to August 6, 2005. The applicant submitted a 380.06 traffic analysis which was reviewed by Growth Management and found acceptable. The traffic analysis indicated that additional roadway, intersection, and ramp improvements will be needed after the construction of Phase 1 and development which would generate approximately 10 percent (160 trips) of Phase 2 external p.m. peak hour vehicular trips. For development beyond these totals, the following improvements would be required:

1. Widen SR 70 to a four-lane, divided facility, from Oak Run Drive to Lakewood Ranch Boulevard.
2. Perform a signal progression analysis for the SR 70 corridor, particularly to include that segment between I-75 and Lorraine Road.
3. At the intersection of SR 70 and Lakewood Ranch Boulevard, provide the following:

- a. **An additional northbound left-turn lane.**
4. **At the intersection of SR 70 and River Club Boulevard, provide an additional northbound left-turn lane.**
5. **Participate in signaling the Interstate 75 (I-75) northbound on-ramp, stop controlled intersection at SR 70, located at the east quadrant of I-75 and SR 70 interchange.**
6. **Participate in signaling I-75 off-ramp, stop controlled intersection at SR 70, located at the west quadrant of the I-75 and SR 70 interchange.**
7. **At the intersection of I-75 northbound off-ramp (E) and University Parkway, provide the following:**
  - a. **An additional eastbound left-turn lane.**
  - b. **The northbound off-ramp free right-turn lane length shall be extended beyond the dual left-turn lanes. Consequently, several conditions of the Development Order were amended, including C.(3), which authorized Phase II development contingent upon certain conditions.**

The development Order was appealed by DCA in March of 1998, based on a provision in the Order which allowed funding mechanisms for roadway improvement to include commitments within the 5-year capital improvement program.

The issue of the appeal was not resolved by the applicant and DCA, therefore the applicant has elected to rescind the latest Development Order and continue with development, subject to the conditions of the prior Order.

#### **POSITIVE ASPECTS OF THE APPLICATION**

- **Development totals will remain consistent with the approved Cypress Banks DRI.**

#### **NEGATIVE ASPECTS OF THE APPLICATION**

- **Exhibit C will not be amended to address the roadway and intersection improvements that will be required as part of Phase II development.**

#### **MITIGATING FACTORS**

- **The provisions of C.(3) remain in effect. This requires concurrency to be determined with each Preliminary Site Plan.**

# STAFF ANALYSIS

## PRIMARY REVIEWERS

<b>Norm Luppino (PD)</b>	<b>Compatibility, Health, Safety and Welfare, Consistency with LDC and Comp Plan</b>
<b>Al Wallace (PD)</b>	<b>Impacts to Infrastructure (Utilities)</b>
<b>Husham Abdulsattar (PD)</b>	<b>Impacts to Infrastructure (Transportation)</b>
<b>Bill O'Shea (EMD)</b>	<b>Environmental Resource Impacts</b>

## HISTORY

The Cypress Banks Development was originally adopted by the Board of County Commissioners on August 8, 1989 as a multi-use development on 1,790 acres in southeast Manatee County. The approval includes 5,501 dwelling units, 203,500 square feet of commercial, a religious center, and 2 golf courses to be developed in 4 phases. Phase 1 was issued a Certificate of Level of Service which authorized development for 1,405 residential units and the religious center. Some development has taken place, including the construction of a church located just west of the intersection of Lakewood Ranch Boulevard and State Road 70 and residential units located east and west of Lakewood Ranch Boulevard. Final Site Plans or Final Plats for 1,124 single family homes are approved. The proposed development in Phase 2 includes an additional 1,405 dwelling units, a 203,500 square foot shopping center, and two golf courses to be developed from August 7, 2000 to August 6, 2005.

The Development Order for Cypress Banks has been amended on three occasions, as summarized below:

11/16/89 Resolution R-89-161 (R)

- (1) Section 5, A(1) - Definition of "Acceptable Level Of Service"
- (2) Section 5, A(5) - Definition of "Development Approval"
- (3) Transportation Conditions C(3) and C(4)

9/8/92 Resolution R-92-170

- (1) Phasing Schedule (Exhibit D) to permit construction of the religious center in Phase I instead of Phase II
- (2) Transportation Condition C(3)

5/26/94 Resolution R-94-133

- (1) Condition B(3) modifying the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4
- (2) Transportation Conditions C(2) and (3)
- (3) Condition H(19) amending the development order expiration date from August 8, 2009 to August 7, 2014
- (4) Exhibit D - Phasing Schedule - amending the timing for development of Phases I, II, III and IV

2/22/96 Resolution R-95-220

- (1) Revise Map H
- (2) Amend Exhibit D to change the approved land uses and the amount of acreage devoted to each land use
- (3) Amend Section 4 Development Components
- (4) Add the definition of "district"

#### AMENDMENT TO DEVELOPMENT ORDER

The Development Order was amended pursuant to R-97-63 to make the following changes:

(strike-thru represents a deletion and underline represents new language)

- B (3) The Developer\* shall submit a revised Preliminary Master Development Plan\* prior to any further preliminary development approvals upon adoption of ~~this~~ Resolution R-95-220 (completed). Preliminary Development Plan\* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan\* or Preliminary Master Development Plan\* coinciding with the Phasing time schedule shown in "Exhibit D" (revised). The Developer\* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C. (2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer\* upon recommendation by the Director of Planning after consultation with the County Transportation Authority\*.

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, or is projected to be unacceptable at the time of Final Approval, ~~failure~~ to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service\* is obtained, or other commitments are made as set forth in Paragraph C. (3).

- B (4) In the event a Preliminary Development Plan\* for Phase II, III or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 9/06/95), the Developer\* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan\* submitted in advance of the schedule set forth in "Exhibit D" (revised 9/06/95).

- C (2) Traffic Studies\* will be required with each application for Preliminary Development Plan\* Approval pursuant to the Manatee County Land Development Code (LDC) ~~(completed for the first 1405 units which are Phases I and II)~~. Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume ~~as defined by the 1985 Highway Capacity Manual~~ as reported in the most recent FDOT or Highway Capacity Manual publications of any roadway segment or intersection in the Transportation Impact Area\* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority\*, TBRPC and DCA. Any such Traffic Study\* shall consider traffic to be generated by the proposed PDP.

existing traffic, and traffic anticipated from all prior Development Approvals\* impacting the same roadway.

The Developer\*, at his option, may update and verify to the Manatee County Transportation Authority\* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan\* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer\* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D" (revised 9/06/95).

~~C.(3) Approval of each Preliminary Development Plan\* [completed for Phase I] shall be contingent upon satisfaction of the following:~~

- ~~A. Approval and development of the Preliminary Development Plan\* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service\* on roadway segments and intersections within the Transportation Impact Area\*; OR~~
- ~~B. If approval and development of the Preliminary Development Plan\* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service\* on roadway segments or intersections within the Transportation Impact Area\*, one of the following conditions shall be met:~~
  - ~~1. All of the Warranted\* improvements, to prevent degradation of Acceptable Level of Service\* within the Traffic Impact Area\* are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5-1-6-2 of the Manatee County Comprehensive Plan; OR~~
  - ~~2. For all development after the first 1405 residential units in Phase I, the Developer\* shall submit a 380-06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer\* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.~~

C.(3) a. Approval of the 1405 residential units and the religious center in Phase I and 1,405 residential units, a 203,500 square foot shopping center, and 2 golf courses in Phase II is contingent upon the following:

- 1. For Phase I, the Developer\* has demonstrated the availability of adequate infrastructure for roadway capacity for the 1405 residential units and was issued a Level of Certificate of Service for traffic which shall expire November

15, 2000. The Certificate is conditioned upon the completion of River Club Boulevard to its connection with Lakewood Ranch Boulevard, and Lakewood Ranch Boulevard as a two-lane roadway from the southern terminus of River Club Boulevard to University Parkway east of Interstate 75, prior to the approval of the final plat for the 795th residential unit (completed).

2. For Phase II, the Developer\* has conditionally demonstrated the availability of adequate infrastructure for roadway capacity for the 1405 residential units, 203,500 square feet of commercial space, and 2 golf course in Phase 2 and is hereby issued a Level of Certificate of Service for traffic which shall expire August 6, 2005. The Certificate is conditioned upon the following.

(a) No improvements are needed for development (final plats or final site plan if platting is not required) resulting in 10 percent (160 trips) of the total p.m. peak hour external vehicular trips in Phase 2. 160 trips equates to the following development.

<u>Single-Family Residential</u>	<u>150 d.u.</u>
<u>Golf Course</u>	<u>18 holes</u>
<u>Shopping Center</u>	<u>50,000 sq. ft.</u>

(b) Prior to Final Plat approval (or Final Site Plan approval if platting is not required) for development resulting in more than 160 of the total p.m. peak hour external vehicular trips in Phase 2, the improvements pursuant to Exhibit C shall be required.

b. Approval of each Preliminary Site Plan, except for the 1405 residential units in Phase I, shall be contingent upon satisfaction of one of the following.

1. All of the Warranted\* improvements to prevent degradation of Acceptable Level of Service\* within the Traffic Impact Area\* are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Policy 5.1.6.2 of the Manatee County Comprehensive Plan. OR

2. Approval and development of the Preliminary Development Plan\* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service\* on roadway segments and intersections within the Transportation Impact Area\*. OR

3. The Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.



Other minor changes were also made to the Development Order to update terminology and department references.

**ATTACHMENTS:**

1. Resolution R-98-300 (to be handed out at meeting on 12/15)

**RESOLUTION R-98-300**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; RESCINDING RESOLUTION R-97-63, WHICH WAS REPLACING RESOLUTION R-89-161, AS AMENDED, FOR THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT (DRI), ALSO KNOWN AS DRI #17; REINSTATING RESOLUTION R-95-220, AS THE CYPRESS BANKS DRI DEVELOPMENT ORDER; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 1989 the Board of County Commissioners adopted R-89-161, which adopted a Development Order for the Cypress Banks Development of Regional Impact (DRI); and

**WHEREAS**, over the past several years, the Board of County Commissioners adopted Resolutions R-89-161(R), R-92-170 and R-94-133 amending R-89-161; and

**WHEREAS**, the Board of County Commissioners adopted R-95-220 to supersede and replace R-89-161, as amended, as the Cypress Banks Development of Regional Impact Development Order; and

**WHEREAS**, the Board of County Commissioners adopted Resolution R-97-63 approving amendments to the Development Order for the Cypress Banks DRI on January 6, 1997; and

**WHEREAS**, the Florida Department of Community Affairs (DCA) filed an appeal of Resolution R-97-63 based primarily on objections to the new Transportation Conditions; and

**WHEREAS**, the Developer has requested that R-97-63 be rescinded and that the previous Development Order R-95-220 be reinstated in its entirety as the Development Order for the Cypress Banks Development of Regional Impact to resolve the aforementioned administrative appeal; and

**WHEREAS**, DCA concurs that repeal of R-97-63 shall amicably resolve the administrative appeal, DEPARTMENT OF COMMUNITY AFFAIRS v. MANATEE COUNTY, a political Subdivision of the State of Florida; and SMR-1 DEVELOPMENT CORPORATION, A Florida corporation, Case No. App -98-004.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida, that:

1. Resolution R-97-63 is hereby rescinded in its entirety.

2. Resolution R-95-220 shall be in full force and effect and shall be the Development Order for the Cypress Banks Development of Regional Impact.
3. The Planning Department is directed to send certified copies of this Resolution with thirty (30) days notice to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.
4. The Developer shall record a notice of the adoption of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish a copy of this recorded notice to the Planning Department.
5. This Resolution shall become effective upon adoption of this Resolution and recording of the notice as required by Paragraph 4 above.

**PASSED AND DULY ADOPTED** with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida on this \_\_\_\_\_ day of December, 1998.

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

By: \_\_\_\_\_  
Chairman

**ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT**

By: \_\_\_\_\_

**Resolution R-98-300 - Recission of Resolution R-97-63, the revised DRI  
Development Order for Cypress Banks (DRI #17)**

Request: The recission of R-97-63 will resolve an appeal filed by the Florida Department of Community Affairs on the Transportation Conditions attached to the revised Development Order for the Cypress Banks DRI (DRI #17), a project located on the south side of State Road 70, generally between the River Club Development and Lorraine Road containing ±1,790 acres. Rescinding of Resolution R-97-63 must be done in conjunction with the recission of Z-86-30(G)(R5), the Zoning Ordinance and General Development Plan approved for this DRI.

<u>App Received:</u>	N/A	<u>D.R.C.:</u>	N/A
<u>P.C.:</u>	N/A	<u>B.O.C.C.:</u>	12/15/98

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025(3), Florida Administrative Code, I move to RESCIND Manatee County Resolution R-97-63, which was replacing Resolution R-89-161, as amended, for the Cypress Banks Development of Regional Impact, also known as DRI #17, reinstating Resolution R-95-220, as the Development Order for the Cypress Banks Development of Regional Impact, as recommended by the Planning Staff.**

(COMMISSIONER BRUCE)



**Ordinance Z-86-30(G)(R6) - Recission of Ordinance Z-86-30(G)(R5), the revised Zoning Ordinance and General Development Plan approval for Cypress Banks (DRI #17)**

The recission of Ordinance Z-86-30(G)(R5) - Cypress Banks (DRI#17) will resolve an appeal filed by the Florida Department of Community Affairs on the Cypress Banks DRI Development Order, a project located on the south side of State Road 70, generally between the River Club Development and Lorraine Road containing ±1,790 acres. Rescinding the Zoning Ordinance, Z-86-30(G)(R5), must be done in conjunction with the recission of R-97-63, the Development Order for this DRI.

<b><u>App Received:</u></b>	N/A	<b><u>D.R.C.:</u></b>	N/A
<b><u>P.C.:</u></b>	N/A	<b><u>B.O.C.C.:</u></b>	12/15/98

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to RESCIND Manatee County Ordinance Z-86-30(Z)(R5), replacing it in its entirety with Z-86-30(Z)(R6), as recommended by the Planning Staff.**

**(COMMISSIONER BRUCE)**

APPROVED IN OPEN SESSION

DEC 15 1998

BRUCE BRUCE, COMMISSIONER  
MANATEE COUNTY, FLORIDA