

R-90-39  
COOPER CREEK CENTER DEVELOPMENT ORDER  
RESOLUTION GRANTING AMENDMENTS TO R-85-236  
AS AMENDED BY R-86-323 AND R-87-58

**WHEREAS**, the Board of County Commissioners approved Resolution R-85-236 adopting a Development Order for Cooper Creek Center on January 9, 1986; and,

**WHEREAS**, the Board of County Commissioners approved Resolution R-86-323 adopting Amendments to the Development Order for Cooper Creek Center on December 23, 1986 which Amendments were found not to be a substantial deviation to the originally approved Development Order; and,

**WHEREAS**, the Board of County Commissioners adopted further non-substantial Amendments to the Development Order for Cooper Creek Center on February 10, 1987; and,

**WHEREAS**, the Developer has requested that the Development Order for Cooper Creek Center be further amended to provide for an extension of the Final Master Development Plan, Design Criteria and Infrastructure construction drawings submission date to make the filing requirements consistent with Z-86-16, as amended; and,

**WHEREAS**, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**, that the Board hereby approves the Amendment to R-85-236, as amended by R-86-323 and R-87-58, as follows:

1. "F. General Conditions, Section C.(7)" is hereby amended to add: (the underlined provision contains the new language)

C.(7) The Developer shall file a Master Final Development Plan and Design Criteria with Manatee County for Phase I on or prior to September 15, 1989. The Developer shall submit construction drawings for infrastructure with Manatee County for Phase I on or prior to November 21, 1989, and shall complete or demonstrate substantial progress toward building permit application or fifty percent (50%) of the development totals set forth below in Table 2 within five (5) years of Development Order approval. 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. In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table 2 of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study\* pursuant to this paragraph if building permit for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer. 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 and Development after consultation with the County Traffic Authority\*.

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, failure to meet the time schedule set forth above shall, at the option of the Board of County Commissioners, result in the withholding of future building permits for Phase One until an Acceptable Level of Service\* is obtained.

Failure to comply with the time schedule set forth above, shall not be presumed to be a substantial deviation pursuant to Chapter 380.06(19) FS.

TABLE 2

LAND USE DEVELOPMENT TOTALS AND OFF-SITE TRANSPORTATION TRIPS

PHASE ONE

<u>LAND USE</u>	<u>SQUARE FEET</u>	<u>OFF-SITE PM PEAK HOUR NET VEHICLE TRIPS</u>
1. Residential	412 Units	278
2. Industrial	400,000 S.F.	422
3. Office	120,000 S.F.	217
4. Commercial	530,000 S.F.	1,893
5. Hotel	400 Rooms	<u>261</u>
		3,052

Tradeoff between the land uses set forth above may be granted by the County provided the total number of off-site transportation trips set forth above is not exceeded as determined at time of Site Development Plan\* review.

2. All other provisions of Resolution R-85-236 and R-86-323 and R-87-58, the Development Order for Cooper Creek Center, not amended hereby, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolutions referred to above, the terms of this Resolution shall control.

**ADOPTED** with a quorum present and voting this 29th day of March, 1990.

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

By: *Patricia M. Glass*

ATTEST R. B. Shore,  
Clerk of the Circuit Court

*R. B. Shore*

MAR 12 1990

RECEIVED

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND NOTIFICATION BY MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF Florida  
COUNTY OF Manatee

BEFORE ME, the undersigned authority, personally appeared Robert C. Gause, who, after having been first duly sworn and put upon oath, says as follows:

1. That he is the agent for the owner (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for an amendment to DRI#14/R-86-323, to be heard on March 29, 1990, and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein and they are true to the best of his knowledge, information and belief.

2. That the Affiant has caused the required public notice sign be posted pursuant to Manatee County Ordinance No. 81-4, on the property identified in said application and said sign was conspicuously posted 0 feet from the front property line on the 9th day of March, 1990.

3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance 81-4, by 1st Class Mail, on the 9th day of March, 1990, and attaches hereto as a part of and incorporated herein, copies of said letters of notification.

4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 81-4 as it relates to the above matters may cause the above-identified application and any public hearing held thereon to be ineffective and a nullity.

**FURTHER YOUR AFFIANT SAITH NOT.**

Robert C. Gause

SWORN TO AND subscribed before me on this 9th day of March, 1990.

Virginia E. Brown  
Notary Public  
State of Florida at Large

My Commission Expires: July 23, 1990



The Bradenton Herald

102 MANATEE AVE. WEST P.O. BOX 921  
BRADENTON, FLORIDA 34206  
TELEPHONE (813) 748-0411

PUBLISHED DAILY  
BRADENTON, MANATEE COUNTY, FLORIDA

PLANNING & ZONING

MAR 14 1990

RECEIVED

STATE OF FLORIDA  
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Linda L. Rikke, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of

Notice of Public Hearing/Z-89-56

\_\_\_\_\_ in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of \_\_\_\_\_

3/9, '90

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

12th day of March

A.D. 19 90

(SEAL) Notary Public

Notary Public, State of Florida et alia  
My Commission Expires 11/1/93

NOTICE OF  
PUBLIC HEARING  
NOTICE IS HEREBY GIV-  
EN, that the Board of County  
Commissioners of Manatee  
County, will conduct a Public  
Hearing on Thursday, March  
29, 1990, at 9:30 A.M. in the  
Chambers of the Board of  
County Commissioners, located  
at the Manatee County Ad-  
ministrative Center, 1112 Man-  
atee Avenue West, 1st Floor,  
to consider and act upon the  
following matters:

**Z-89-56**  
Fred E. Davts, et al  
Approval to change the pre-  
sent zoning from A-1 (Subur-  
ban Agricultural, 1 du/acre) to  
M-1 (Light Industrial). Located  
on the west side of 33rd  
Street East, approximately 1/4  
mile north of Whitfield Avenue  
(5.0 +/- acres).

**Z-89-58**  
JHM Investment  
Approval to change the pre-  
sent zoning from C-1A/AF  
(Tourist Commercial, Agricul-  
tural Fringe Overlay District)  
to C-1/AF (General Commer-  
cial, Agricultural Fringe Over-  
lay District). Located on the  
north side of State Road 70  
approximately 1,500 feet west  
of the Braden River and ap-  
proximately 3,000 feet east of  
45th Street East (1.29 +/-  
acres).

**Z-89-59**  
H.E.K., Inc.  
Approval to change the pre-  
sent zoning from R-1B/WR  
(Single Family Residential, 3.7  
du/acre, Whitfield Residential  
Overlay District) to PR/WR  
(Professional Office, Whitfield  
Residential Overlay District).  
Located 1/2 block north of the  
intersection of Montgomery  
Avenue and Manatee Sts. on  
the west side of Manatee  
Street (1.2 +/- acres).

**R-90-39/DR #18**  
Cooper Creek Center  
Approval of R-90-39 amending  
Manatee County Resolution R-  
86-223, a Resolution granting  
an Amendment to the Devel-  
opment Order for Cooper  
Creek Center (R-86-235) to  
modify Stipulation C-7 in order  
to permit a time extension for  
the submission of construction  
drawings for infrastructures  
for Phase One. Located at the  
northwest quadrant of University  
Parkway and Interstate-  
75. Present Zoning  
PDC/PDI/PS/ST, WP/AF  
(Planned Developed Commer-  
cial/Planned Development In-  
dustrial/Planned Development  
Residential/Special Treatment,  
Watershed Protection and Agri-  
cultural Fringe Overlay Dis-  
tricts) (604.68 +/- acres).

**Z-83-12(R)2**  
Cooper Creek Center  
Request to amend stipulations  
2, 15 and 21 of the approved  
Manatee County Ordinance Z-  
83-12(R). Located at the  
northwest corner of University  
Parkway and I-75. Present  
Zoning: PDR/PDC/PDI/WR-  
/ST/AF (Planned Develop-  
ment Residential, Planned De-  
velopment Commercial,  
Planned Development Indus-  
trial, Watershed Protection, Spe-  
cial Treatment and Agricultural  
Fringe Overlay Districts)  
(604.68 +/- acres).

All interested parties are in-  
vited to appear at this Hearing  
and be heard. Additionally,  
any written comments filed  
with the Planning Commission  
or the Planning and Zoning  
Department will be heard and  
considered by the Board of  
County Commission.

Interested parties may ex-  
amine the Official Zoning At-  
las, the application and related  
documents and may obtain as-  
sistance regarding this matter  
from the Manatee County  
Planning and Zoning Depart-  
ment, 1112 Manatee Avenue  
West, Suite 804, Bradenton,  
Florida.

According to Florida Stat-  
utes, Section 236.01(1), any  
person desiring to appeal any  
decision made by the Board of  
County Commissioners with  
respect to any matter consid-  
ered at said Public Hearing  
will need a record of the pro-  
ceedings, and for such pur-  
poses he may need to ensure  
that a verbatim record of the  
proceedings is made, which  
includes the testimony and evi-  
dence upon which the appeal  
is to be based.

SAID HEARING MAY BE  
CONTINUED FROM TIME  
TO TIME PENDING AD-  
JOURNEMENTS.  
MANATEE COUNTY BOARD  
OF COUNTY COMMISSION  
Manatee County Planning &  
Zoning Department  
Manatee County, Florida  
3/9/90