

R-90-54
RESOLUTION GRANTING AMENDMENTS TO R-86-259,
THE DRI DEVELOPMENT ORDER FOR
ARVIDA CORPORATE PARK

WHEREAS, the Board of County Commissioners approved Resolution R-86-259 adopting a Development Order for Arvida Corporate Park on October 27, 1986; and,

WHEREAS, the Developer has requested that the Development Order for Arvida Corporate Park be amended to provide for an extension to submit construction drawings and commencement development and defer the commencement of a water quality monitoring program.

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 amends stipulations C(7), D(4), E(2), H(13) and Map H of Resolution R-86-259 as follows:

1. C(7) The developer shall submit construction drawings for infrastructure within eighteen (18) months of Development Order approval and shall complete or demonstrate substantial progress toward building permit application for fifty percent (50%) of the development totals set forth below in Table Two by September 30, 1996. 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 Two 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 permits 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 after consultation with the County Traffic Authority*.

(The remaining portion of stipulation C(7) shall remain in full force and effect.)

- D(4) Beginning five (5) years and eleven (11) months from the date of issuance of the original Development Order approved October 27, 1986, or one (1) year prior to commencement of development, whichever occurs first and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Bradenton Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan*. In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.
- E(2) Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded

during all Phases* of development. Beginning five (5) years and eleven (11) months from the date of issuance of the original Development Order approved October 27, 1986, or one (1) year prior to commencement of development, whichever occurs first and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water budget which calculates predevelopment and postdevelopment flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought condition. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long term mitigation in accordance with the revised plan. (Manatee County Planning and Development and CDM). In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.

- H(13) If commencement of actual development activity on the site occurs after September 30, 1996, the Board of County Commissioners may conduct a public hearing in accordance with Section 401F.1. and 2. of the LDC and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the developer (such as the unavailability of permits because of inadequate public facilities, other than those which are the developer's responsibility to construct, or for any other similar reason. For the purposes of this provision, "significant development" shall be the actual construction of site improvements or buildings as a part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

PROPOSED PHASING SCHEDULE - MAP H - FIGURE 1

1. Retail/Commercial - September 30, 1995 = 580,000 s.f.
September 30, 2000 = 120,000 s.f.
2. Office - 40,000 s.f. per year average over 13.4 years starting September 30, 1991 for a total of 536,000 s.f.
3. Research/Technology Park - 76,200 s.f. per year average for 10 years for a total of 762,000 s.f. starting September 30, 1991.
4. Hotel - September 30, 2000 - 250 rooms.
5. Banks - September 30, 1995 - 2 or (12,000 s.f.+)
September 30, 2000 - 2 or (12,000 s.f.+)
6. Racquet Club/Spa - September 30, 1992 - (32,000 s.f.+)
7. Restaurants - September 30, 1995 - 2 or (20,000 s.f.+)
September 30, 2000 - 2 or (20,000 s.f.+)
8. Theater - September 30, 1995 six plex.
9. Auto Service Facility - September 30, 1992.

Phase I buildout - September 30, 1995
Phase II buildout - September 30, 2000
Phase III buildout - September 30, 2005

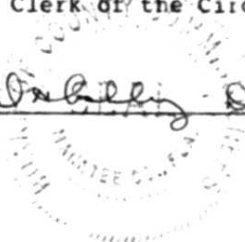
2. All other provisions of Resolution R-86-259, the Development Order for Arvida Corporate Park, not amended hereby, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolut.on referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 28th day of June, 1990.

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

By: *Patricia M. Gloss*
Chairman

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

P. B. Shore




The Bradenton Herald

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

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

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-90-04(C)

_____ in the _____ Court,
was published in said newspaper in the issues of _____
6/8, '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

8th day of June

A.D. 1990

Janice Tucker

(SEAL) Notary Public

Notary Public, State of Florida at Large
My Commission Expires May 30, 1991

NOTICE OF PUBLIC HEARING
ADVICE IS HEREBY GIVEN, that the Board of Commissioners of Manatee County will convene on Thursday, June 28, 1990, at 10:00 o'clock in the Board of County Commissioners' Conference Room, 1st Floor, to consider and act on the following matters:

Z-90-04(C) Major Enterprise of Manatee, Inc.
Approval to change the present zoning from Industrial, R-4B (Mobile Home Subdivision) & R-1 (Single-Family, 16 du/acre) to PDC (Planned Development Commercial) & PDI (Planned Development Industrial) retaining the AF (Agricultural Fringe) Overlay District, grant Special Approval to a project located within the mixed use future land use category, and in an area designated as a gateway into the County and approve 60,000 sq. ft. of Commercial, 1,700,000 sq. ft. of Light Industrial/Distribution & 300,000 sq. ft. of Office/Service. Located between I-275 and Erie Road, east of U.S. 41. Total Acreage (141.5 +/- acres).

Z-90-05(C) Cecil and Betty Reagan, et al
Approval to change the present zoning from A (General Agricultural, 1 du/5 acres) and A-1 (Suburban Agricultural, 1 du/acre) to PDR (Planned Residential Development) with Special Approval of the Conceptual Site Plan, including 784 single family dwelling units at a density of 1.06 du/acre, 27 holes of golf, a 25,000 square foot clubhouse and related uses. Located on the north side of State Road 64 and extending northward to the south side of Upper Manatee River Road, approximately 3.5 miles east of I-75 (740 +/- acres).

Z-90-06 Gregory Oberlander
Approval to change the present zoning from R-2 (One & Two Family Residential, 8.5 du/acre) to PR (Professional Office). Located on the south side of 53rd Avenue West, approximately 800 feet east of 14th Street West (.583 +/- acre).

Z-90-07 Manatee Industrial Park Association
Approval to change the present zoning from M-2 (Heavy Industrial) to M-1 (Light Industrial). Located on the east side of 19th Street East approximately 1350 feet south of 38th Avenue East (9.31 +/- acres).

Z-90-08 Janice M. Lovo
Approval to change the present zoning from R-1 (Single Family Residential, 6/1 du/acre) to PR (Professional Office). Located on the east side of 61st Street West approximately 126 feet north of Manatee Avenue West (.20 +/- acre).

Z-90-09(C) Clyde and Mary Goebel
Approval to change the present zoning from A-1 (Suburban Agriculture, 1 du/acre) to PDC (Planned Development Commercial) retaining the AF (Agricultural Fringe Overlay District) and the approval of a twenty-one (21) lot subdivision and grant Special Approval to a site located in an area designated as a gateway into the County. Located at the southeast quadrant of I-75 and Moccasin Wallow Road, south of Buffalo Road (28.5) +/- acres).

SP-89-48(R) Meridian 63rd Plaza, Ltd.
Approval to amend a Special Permit to allow expansion from 6000 square feet to 10,160 square feet of a 2-COP (consumption on premises of beer and wine) license for a billiards parlor and a waiver for three (3) required parking spaces. Located at 6239 14th Street West on the northeast corner of the intersection of 63rd Avenue West and 14th Street West (U.S. 41). Present Zoning: C-1 (General Commercial) (2.9 +/- acres).

SP-90-14 Werner Levan
Approval of a Special Permit to allow a mobile home as a temporary residence. Located on the west side of Myakka-Wauchula Road approximately 3.4 miles south of State Road 64. Present Zoning: A (General Agriculture, 1 du/5 acres) (5 +/- acres).

Z-89-01(R) Arvida Corporate Park Association
Approval to change stipulations 17 and 19 of zoning ordinance Z-89-01. Located on the north side of University Parkway, approximately 1/2 mile west of I-75. Present Zoning: PDI/PDC/AF/WP/ST (Planned Development Industrial/Planned Development Commercial/Agricultural Fringe/Watershed Protection & Special Treatment Overlay District) (212.8 +/- acres).

D89-015 Arvida Corporate Park
Determination of whether the proposed modifications to stipulations C-7, D-4, E-2, H-13, map H and the implementation analysis in the ADA (incorporated into the Development Order by reference) constitutes a substantial deviation from the Charter 2002a, Florida Statutes to the Arvida Corporate Park Development Order (R-89-259) approved by the Board of County Commissioners on October 26, 1988. Located on the north side of University Parkway, approximately 1/2 mile west of I-75. Present Zoning: PDI/PDC/AF/WP/ST (Planned Development Industrial/Planned Development Commercial/Agricultural Fringe/Watershed Protection and Special Treatment Overlay District) (212.8 +/- acres).

SP-89-079 Seven Estates
Approval to amend a Special Permit to allow 175 units of 3.63 du/acre and grant Special Approval to a site located on the south side of 23rd Street West, 1/2 mile south of I-75. Present Zoning: R-1A (One-Family Residential, 1 du/1 acre) (175 +/- acres).

All matters to be considered by the Board of Commissioners will be held in a public hearing and a record of the proceedings will be maintained in the County Clerk's Office. The public hearing will include the opportunity for any person to be heard.

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

STATE OF _____
COUNTY OF _____

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

1. That he/she is the agent (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for Official Substantial Deviation Determination for DRI No. #16/Z-85-01(R), to be heard on June 28, 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 2 feet from the front property line on the 8 day of May, 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 3rd day of May, 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 and above identified application and any public hearing held thereon to be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

SWORN TO AND subscribed before me on this _____ day
of May, 1990.

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: SEPT. 28, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.