

12/14/99
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MINUTE BOOK NO. _____

REVISED GENERAL DEVELOPMENT PLAN
PDR-98-20(G)(R) - ROBINSON FARMS, INC., ET AL/THE ESTUARY

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code); and finding PDR-98-20(G)(R) consistent with Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), Revised General Development Plan PDR-98-20(G)(R) - Robinson Farms, Inc., et. al./The Estuary is hereby approved to allow the single-family attached units to be changed to multi-family units for Neighborhood C-1, amend the timing of the right-of-way acquisition in transportation stipulations T(5), T(6), and T(7), and a change to stipulation D(4) referencing setbacks, granting Special Approval for a project located in the Coastal High Hazard Area.

STIPULATIONS

Design Conditions

D(1) The design of this project is dependent upon a vacation of public rights-of-way by the Board of County Commissioners. Nothing in the approval of the General Development Plan for this project shall, in any way, assure the approval of such vacation as the vacation application will be the subject of separate public hearing. Should the Board not vacate any of the rights-of-way, the project shall be redesigned accordingly and an application for a revised General Development Plan shall be submitted for review, consideration, and new public hearings before the Planning Commission and BOCC.

D(2) The Homeowners Documents and Final Site Plan shall include a notice to inform homeowners of the presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses.

D(3) All interior sidewalks shall be a minimum of 5-feet wide.

D(4) Setbacks for this project shall be as follows:

Single-family detached

Front	25' or 20' with side loaded garages
Side	7.5'
Rear	20'

Multi-Family Buildings

Front	25' or 20' with side loaded garages
Side	30' between buildings
Rear	20'

D(5) The size of the golf course clubhouse and associated accessory uses shall be limited to the sizes noted on the GDP. The seating area for the bar/restaurant shall not exceed 150 seats.

D(6) As part of any application to vacate public rights-of-way for this project, the applicant shall simultaneously submit to Manatee County a locational and design report and drawing, prepared to standards applicable to Preliminary Site Plans, illustrating the proposed location within the project and the proposed design of the multi-purpose path described in Stipulation T(8). The design report and drawing shall also illustrate the location of the proposed connection to existing Manatee County rights-of-way for continuous access through the project to Manatee Avenue West (SR64), and utilizing the Old Palma Sola Causeway Bridge route and right-of-way, subject to the availability of permits to do so. The location and design

of the multi-purpose path shall be compatible with the goals and policies of the Manatee County Bicycle Plan and Resource Guide approved by the Board August 26, 1997, and the definition of 'greenway' as set forth in the "Florida and Greenways and Trails Act."

- D(7) The multi-family buildings shall be developed substantially in accordance with the renderings entered into the record and be limited to a maximum of 8 units and 2 stories.
- D(8) Rental of any of the units within the multi-family buildings shall be for a minimum of 6 months.

Environmental Conditions

- E(1) Golf Holes numbers 12, 13, and 14 must be constructed in substantial conformance with the plan views and cross sectional drawings prepared by the JMP Golf Design Group and submitted to Manatee County on March 8, 1999. At a minimum, these golf holes shall be constructed in substantial conformance with Stipulation E(13).
- E(2) The perimeter buffer along the east property line, from 9th Avenue NW south to the end of the property shall be 30' in width and planted with two rows of canopy trees (2 1/2" caliper canopy trees at least 10 feet in height and 4' spread) spaced 40' on-center. The two rows will be offset from each other to give the appearance of trees located 20' on-center. Fifteen (15) feet of this buffer may be located with the rear yard of individual lots as a landscape and buffer easement. In such locations, the rear yard setback shall be measured from the edge of the buffer and not include the landscape and buffer easement. To the maximum extent possible, the existing indigenous vegetation shall remain in the open space areas and be utilized to meet the above buffering and screening requirements. Any trees within the landscape and buffer easement are subject to the LDC requirements for tree removal.
- E(3) The perimeter greenbelt and landscape buffer along the south side of 17th Avenue N. W., as extended westward \pm 1,296.97 feet from 99th Street West, shall be 30' in width and planted with two rows of canopy trees (2 1/2" caliper canopy trees at least 10 feet in height and 4' spread) spaced 40' on-center. The two rows will be offset from each other to give the appearance of trees located 20' on-center. The internal project roadway which curves to the south of the 17th Tee shall be moved to the north to accommodate this buffer. To the maximum extent possible, the existing indigenous vegetation shall remain in the open space areas and be utilized to meet the above buffering and screening requirements.
- E(4) On-site monitoring by a professional archaeologist shall take place during all infrastructure installation through wetland areas.
- E(5) Prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowners Documents and Final Site Plan shall include a notice to inform homeowners that they are purchasing a house in the Coastal High Hazard Overlay District. The homeowner's association shall ensure that all subsequent purchasers receive copies of these documents.
- E(6) An Exotic Plant Management Plan for the purpose of removal of nuisance exotic plant species from the wetland buffer areas shall be submitted by the applicant and approved by the Director of the Environmental Management Department prior to Final Site Plan approval. The plan shall require removal of all nuisance exotic plant species unless removal would cause soil

erosion which would be excessive, as determined by the Environmental Management Department.

- E(7) A wetland buffer enhancement plan shall be submitted to the Environmental Management Department for review and approval concurrently with the Final Site Plan.
- E(8) An Integrated Pest Management Plan (IPM) for common areas within the development shall be submitted to the Environmental Management Department for review and approval prior to or concurrently with the Final Site Plan. The developer shall encourage homeowners to participate in the Florida Yards and Neighborhood Program by providing program information to each buyer and notice of this program shall be contained in the Homeowner's Documents. The Director of the Environmental Management Department may require water quality monitoring as part of the IPM.
- E(9) The applicant shall provide 150% treatment for stormwater, in compliance with Outstanding Florida Waters criteria.
- E(10) A Fugitive Particulate Abatement Plan shall be submitted with the Final Site Plan.
- E(11) The location of all active and inactive groundwater wells and proper abandonment of unused water wells, shall be shown on the Final Site Plan.
- E(12) Representative tracts of native upland communities shall be preserved or restored on-site. Compliance with this requirement shall be determined by the Environmental Management Department with the Final Site Plan.
- E(13) Wetland buffers shall be provided in accordance with the requirements and authorizations of Section 719.11.1 of the Manatee County Land Development Code.
- E(14) Mangrove trimming shall only be allowed within the dog-leg or elbow of hole #12, as shown on the GDP, and only if allowed and fully permitted by the Florida Department of Environmental Protection. Mangrove trimming shall be prohibited on all other areas of this site.
- E(15) All plants installed within all wetland buffers shall be native plant identified on the Native Plant Pallet submitted into the record for this project, unless otherwise approved by the Environmental Management Department.
- E(16) A wetland restoration and enhancement plan (to include the salt flat and mangrove wetland areas) shall be submitted to the Environmental Management Department for review and approval concurrently with the Final Site Plan, which wetland restoration and enhancement plan shall substantially conform to the environmental plan proposed for the project as described in Paragraphs 2.3 through 2.9 of the Applicant's environmental plan, contained on pages 7 through 11 of the environmental narrative prepared by Biological Research Associates, dated July 23, 1998, and made part of the record for this case. The wetland restoration and enhancement plan shall result in a net ecosystem benefit. Implementation of the wetland restoration and enhancement plan shall be a requirement of Final Site Plan Approval. As part of this wetland restoration and enhancement plan, the applicant shall evaluate the efficacy of a connection between Perico Bayou and Palma Sola Bay.
- E(17) Golf Holes 12, 13, and 14 shall be served by a stormwater retention system designed in a manner sufficient to retain all stormwater on-site, except for those storm events in excess of 2.44 inches of rain in a 24-hour period.

- E(18) The Manatee County Utility system potable water supplies shall not be used for golf course irrigation or residential irrigation. Groundwater or reclaimed supplies may be used. The irrigation system shall be designed to accommodate the possible future extension of the reclaimed water system. This shall be accomplished by constructing dry lines to serve the golf course and residential irrigation needs. The dry lines may be used to transport groundwater or water from stormwater retention facilities until such time as the reclaimed water system is available for hookup. The applicant shall be required to investigate the extension of reclaimed water lines to this site. The project shall be connected to reclaimed water when the reclaimed lines reach the project boundaries.

School Impact Fee Condition

- S(1) The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.

Transportation Conditions

- T(1) The remaining public rights-of-way on this project shall be vacated prior to Preliminary Plat/Plan approval. These rights-of-way include: 5th, 6th, 7th, and 8th Avenues NW in Perico Terrace; 105th and 107th Streets NW in Perico Terrace; 101st Street NW, 102nd Street NW, and 102nd Street Court NW in Wildwood; and any portion of 9th Avenue NW lying west of 103rd Street NW. Nothing in the approval of the General Development Plan for this project shall, in any way, assure the approval of such vacation as the vacation application will be the subject of separate public hearing.

No construction plans or Preliminary Site Plans shall be approved until all necessary rights-of-way have been vacated. Should the Board of County Commissioners not vacate the public rights-of-way, the General Development Plan for this project shall be redesigned and evaluated through public hearings before the Planning Commission and Board of County Commissioners.

- T(2) Other streets as shown on the General Development Plan and all utilities (except the existing 16" waterline) within the project shall be private.
- T(3) The applicant shall be responsible for any additional on-site or off-site related safety improvements attributable to this project, as determined by the Planning Department, based on the findings of the traffic study report.
- T(4) The applicant shall be responsible for any additional on-site or off-site capacity related improvement required as part of a CLOS for this project.
- T(5) Ninth (9th) Avenue NW, specifically the section between 88th Street West and 99th Street West, shall be widened to 24' in width and 36' at the intersection with 99th Street West, in accordance with the LDC prior to Final Plat approval. A four (4') bike lane shall be provided on both sides of the road within paved surfaces outside of the travel lanes. Five (5') wide sidewalks shall be provided along both sides.

The applicant shall be responsible for negotiation for, and acquisition of any right-of-way necessary to accomplish these requirements. The applicant shall be responsible for all fees and costs associated with the purchase of right-of-way. If the applicant is unable to acquire the right-of-way through a negotiated purchase, then Manatee County may use its power of eminent domain to acquire the necessary right-of-way. If condemnation is required, the

applicant shall be responsible for all associated costs with the litigation and reimburse the County. Right-of-way shall be acquired within 2 years of County acceptance of the legal descriptions, title reports, right-of way maps, construction drawings, and appraisal reports for these areas as provided by the applicant. Should Manatee County or the applicant not acquire the necessary right of way within two years from County acceptance of these documents, the design of the required improvements shall be modified to accommodate the improvements to the full extent possible within the right-of-way available at that time. Provided, however, the requirements of this paragraph may be deferred if the applicant has not acquired the necessary right-of-way within 12 months from revised GDP approval, but solely for issuance of building permits and certificates of occupancy for golf course clubhouse and maintenance facility, and 85 residential units. If such deferral is utilized, a condition shall be that all construction traffic utilizes 17th Avenue NW for access during construction, subject to the time limitations described in Stipulation T(11).

- T(6) Seventeenth (17th) Avenue NW, specifically the section between the entrance to The Loop Subdivision and 99th Street Northwest, shall be widened to 24' in width and 36' at the intersection with 99th Street Northwest, in accordance with the LDC prior to Final Plat approval. A four (4') bike lane shall be provided on both sides of the road within paved surface outside of the travel lanes. Five (5') wide sidewalks shall be provided along both sides.

The applicant shall be responsible for negotiation for, and acquisition of any right-of-way necessary to accomplish these requirements. The applicant shall be responsible for all fees and costs associated with the purchase of right-of-way. If the applicant is unable to acquire the right-of-way through a negotiated purchase, then Manatee County may use it's power of eminent domain to acquire the necessary right-of-way. If condemnation is required, the applicant shall be responsible for all associated costs with the litigation and reimburse the County. Right-of-way shall be acquired within 2 years of County acceptance of the legal descriptions, title reports, right-of way maps, construction drawings, and appraisal reports for these areas as provided by the applicant. Should Manatee County or the applicant not acquire the necessary right of way within two years from acceptance of these documents, the design of the required improvements shall be modified to accommodate the improvements to the full extent possible within the right-of-way available at that time. Provided, however, the requirements of this paragraph may be deferred if the applicant has not acquired the necessary right-of-way within 12 months from revised GDP approval, but solely for issuance of building permits and certificates of occupancy for golf course clubhouse and maintenance facility, and 85 residential units. If such deferral is utilized, a condition shall be that all construction traffic utilizes 17th Avenue NW for access during construction, subject to the time limitations described in Stipulation T(11).

- T(7) Ninety-ninth (99th) Street Northwest, specifically the section between 9th Avenue NW and 17th Street NW, shall be widened to 20' in width and 36' at the intersections with 9th and 17th Avenues Northwest, in accordance with the LDC, prior to Final Plat approval. This surface may be striped with (2) 10' lanes. An 8' multi-purpose lane (bicycle/pedestrian) shall be provided on one side of the road, with a 4' separation from the travel lanes.

The applicant shall be responsible for negotiation for, and acquisition of any right-of-way necessary to accomplish these requirements. The applicant shall be responsible for all fees and costs associated with the purchase of right-of-way. If the applicant is unable to acquire the right-of-way through a negotiated purchase, then Manatee County may use it's power of eminent domain to acquire the necessary right-of-way. If condemnation is required, the applicant shall be responsible for all associated costs with the litigation and reimburse the County. Right-of-way shall be acquired within 2 years of County acceptance of the legal

descriptions, title reports, right-of way maps, construction drawings, and appraisal reports for these areas as provided by the applicant. Should Manatee County or the applicant not acquire the necessary right of way within two years from acceptance of these documents, the design of the required improvements shall be modified to accommodate the improvements to the full extent possible within the right-of-way available at that time. Provided, however, the requirements of this paragraph may be deferred if the applicant has not acquired the necessary right-of-way within 12 months from revised GDP approval, but solely for issuance of building permits and certificates of occupancy for golf course clubhouse and maintenance facility, and 85 residential units. If such deferral is utilized, a condition shall be that all construction traffic utilizes 17th Avenue NW for access during construction, subject to the time limitations described in Stipulation T(11).

- T(8) The applicant shall construct the multi-purpose path (as contained in the MPO Enhancement Project) to provide a pedestrian and bicycle connection between 99th Street and the southern boundary of the project and utilizing the old Palma Sola Causeway bridge route and right-of-way, subject to the availability of permits to do so. Any lots abutting this roadway shall be reverse frontage lots. The applicant may, at the time of Preliminary Site Plan, propose an alternative location for this facility within the project, subject to Board of County Commissioners approval.
- T(9) All cul-de-sac roadways shall not exceed 800' in length unless traffic eyebrows are constructed at 800 foot intervals with full 110 foot diameter turnarounds as approved by Manatee County. The cul-de-sacs shall not exceed 1,600' in length.
- T(10) If the rights-of-way in which a County 16" water line is located are vacated or the waterline is relocated, there shall be no project improvements, except streets and sidewalks, within the area of the right-of-way or easement over the 16" water line. The 16" County waterline may be relocated within the boundaries of this project at the applicant's expense. The relocation of the waterline shall be approved by the Public Works Department concurrently with or before the vacation of the public rights-of-way that contain the waterline. An easement, in a form acceptable to the County Attorney (width to be determined by the Public Works Department), for County access and maintenance of the waterline shall be included on all Final Site Plans or Final Plats.
- T(11) Construction traffic for the golf course clubhouse and maintenance facility, golf course, and Neighborhood D, to the extent practical, shall utilize 17th Avenue N.W. for access during construction. Construction traffic for all other residential units shall utilize 9th Avenue N.W. No construction traffic shall occur on holidays. No construction traffic shall occur on Sundays, except between 10:00 a.m. and 7:00 p.m., and no heavy construction traffic shall be allowed on Sundays. On all other days, construction traffic shall be limited to the hours between 7:00 a.m. and sundown.
- T(12) The applicant shall construct sidewalks along 9th and 17th Avenues NW., and 75th and 99th Streets N.W., as necessary to infill portions of such roadways where no sidewalks or multi-purpose paths exist, such that a sidewalk or multi-purpose path shall exist in a continuous manner on such roadways to provide access for pedestrian and bicycle traffic.

SPECIFIC APPROVAL

1. Specific Approval of an alternative to Section 907.9.4.2 of the Manatee County Land Development Code, length of cul de sacs.

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this 14th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY: Stan Stephen

Chairman

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

By: Susan R. Shore