

FILED FOR RECORD
R. B. SHORE

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MANATEE COUNTY ZONING ORDINANCE
Z-89-46(G)(R-9) - UNIVERSITY COMMONS

CLEARANCE
MANATEE COUNTY

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
AMENDING ORDINANCE Z-89-46(C)(R-7) TO ALLOW A BANK
WITH DRIVE THRU LANES ON A PARCEL WEST OF TUTTLE
AVENUE, ADDING AND AMENDING CONDITIONS AND
TERMINOLOGY TO REFLECT THE CHANGES IN THE GENERAL
DEVELOPMENT PLAN FOR THIS PROJECT, AND PROVIDING
AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY,
FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for the Zoning Ordinance Amendment as it relates to the real property described in Section 3 of this Ordinance.
- B. The Board of County Commissioners held a public hearing on April 26, 2005 regarding the proposed Zoning Ordinance Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code), and has further considered the information received at public hearings.
- C. The proposed amendments to the Zoning Ordinance regarding the property described in Section 2 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (the 2020 Manatee County Comprehensive Plan).

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan, entitled UNIVERSITY COMMONS, is hereby AMENDED to allow a mixed use project, which contains residential uses (single-family detached, attached, and semi-detached units, and multi-family units, a skilled nursing facility, and commercial development, with the following definitions and stipulations:

DEFINITIONS:

Note: An asterisk (*) following a word or phrase denotes that the word or phrase is defined.

- A. "Application for Development Approval" (or "ADA") shall mean University Commons' Development of Regional Impact Application for Development Approval (December 28, 1988), and additional information submittals by the Developer* dated May 23, 1989, August 21, 1989, December 29, 1989, July 19, 1990, and December 19, 1990, and technical memoranda and supplemental information submitted on October 25, 1991, January 10,

1992, March 13, 1992, March 18, 1992, and April 27, 1992, the NOPC submitted on November 6, 1998, the NOPC submitted on August 24, 1999, the NOPC submitted on July 7, 2000, the NOPC submitted on September 25, 2001, and the revised Map H dated March 19, 2004, the NOPC submitted December 23, 2003, and the NOPC submitted March 22, 2004.

- B. "Best Management Practices" (BMP*) shall mean the 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. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, roadways or roadway improvements that are scheduled for construction completion within the first year of the Sarasota County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- D. "Developer" shall mean Health Care REIT, Inc., Cambridge 950 Corporation, University Walk L.L.C., Centex Homes, Inc., and University Commons Land Development LLC, its heirs, assigns, designees, agents, and successors in interest as to the University Commons Development* and all its stipulations.
- E. "Development" shall mean the land uses by area, square footage, density, phase, and type as described in this Development Order, to be constructed on the real property described in Section 3.
- F. "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.
- G. "Funding Commitment", "Funding", "Funded," or "Fund" shall mean a commitment by the Developer or other private entity, to fund the Developer's required improvements in the form of a contract, bond, letter of credit, or other financial security deemed acceptable by Manatee County, or, for governmental entities, scheduled for construction completion in the first two years of the FDOT's adopted five-year work program or within the first two years of a local government's adopted capital improvement program.

- H. "Master Drainage Plan" shall mean a plan which shall show 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 the 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;
 4. off site areas that historically drain through the property shall be addressed, as to the method that the applicant proposes to use to accommodate off site stormwater.
- I. "Preliminary Site Plan" (or "PSP") shall mean a Preliminary Master Site Plan or a Preliminary Site Plan for a Phase or Subphase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended) for a Phase or Sub-Phase.
- J. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62 -301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection ("FDEP"), or as defined within Chapter 40D-4, F.A.C., and implemented by the SWFWMD, including any wetland mitigation areas approved as part of development for this or any other project.
- K. "Responsible Entities" shall mean entities which will be responsible for construction of a given transportation facility, which entities may include the Developer or other private entity subject to a local government development agreement entered into pursuant to Chapter 163, Florida Statutes, or a governmental entity.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the Development* shown on a proposed PSP* 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 DCA, TBRPC, and the County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J, Attachment #1 Ordinance Z-89-46(C)(R-3), which is incorporated herein by reference.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and nonresidential units or the reconstruction or addition to any such structure.
- N. "Warranted" shall mean a determination by the County Transportation Department, or other responsible County department, based on generally accepted transportation engineering practices that the adopted Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by the Development*.

The definitions contained in Chapter 380, Florida Statutes, shall also apply to this Development Order.

STIPULATIONS:

- A.(1) This Approval, limited to the Development* and Development* schedule listed in Table 1 in Section 2 of this Development Order, is approved subject to the conditions of this Development Order and concurrency review for items listed in Section 2.A.(2).

TABLE 1
DEVELOPMENT* LAND AREA AND USES

Column A	Column B	Column C	Column D	Column E	Column F
Land Use	Phase I 1992-(2003) ³	Phase II 1998-(2008) ³	Total Sq. Ft.	Total Units	Acres
Residential Units	400 ²	383 ²		783	212.4 ⁴
Skilled Nursing (Service) ¹	120 beds			120 beds	9.2
Commercial ¹ (Retail)	185,000 sq.ft. Gross leaseable (225,000 sq.ft, area with canopies)	185,000 ⁴ sq.ft. Gross leaseable (225,000 sq.ft. with canopies)			

¹ Titles in parentheses refer to land use designations as categorized by the State in Section 380.0651, Florida Statutes.

² Phase I residential consists of, 151 single-family detached units, 139 single-family attached units, and 110 single-family semi-detached units. Phase II residential consists of 383 multi-family units.

³ Buildout shall be September 14 of the date listed in Columns B & C of Table 1 above.

⁴ Includes office or bank area pursuant to Stipulation U.(1).e

- A.(2) Preliminary and Final Site Plan approvals shall be granted on the basis of demonstrated compliance with The Manatee County Comprehensive Plan and the Land Development Code, as amended, and the availability of level of service for, but not limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste service, necessary to serve the Development*.

- A.(3) Phase I is approved until September 14, 2003. Should adequate capacity not exist for the development of that portion of Phase I sought to be developed, no approvals shall be

granted until adequate capacity becomes available, the developer commits to provide capacity improvements through a Land Development Agreement, or the developer makes the improvement required to maintain the adopted Level of Service.

Previous development orders contained Certificate of Level of Service approvals for development in Phase I including the following: 250,000 sq ft shopping center, 120 bed skilled nursing facility, 468 single family units, and 110 personal care units. The previous approvals for development in Phase II included 150,000 sq ft of commercial.

The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, mass transit, drainage, and parks and recreation for the remaining undeveloped portions of Phase I and Phase II of this project.

Level of Service capacity for Phase I shall be reserved until September 14, 2003. Phase II Level of Service capacity shall be reserved until September 14, 2008.

- A.(4) The Developer* has submitted a Preliminary Site Plan* for portions of Phase I. All portions of Phase I must have Preliminary Site Plan*, Final Site Plan, and Final Plat, (or Building Permit if platting is not required) approval by September 14, 2003 and all portions of Phase II must have Preliminary Site Plan, Final Site Plan, and Final Plat (or Building Permit if platting is not required) approval by September 14, 2008.

Transportation

- B.(1) The Developer*, at its option, shall select one of the following alternatives to mitigate the project's transportation impacts.

a. Option 1

Phases I and II of the Development* shall require Funding Commitments* from Responsible Entities* for the roadway and intersection improvements listed in Table 2. Without Funding Commitments* for these improvements, construction permits for Vertical Development* shall not be issued for Phase I or Phase II. The Funding Commitments* shall ensure that the roadway and intersection improvements needed are in place concurrent with the impacts of development. Signalization shall occur when Warranted* if Warranted* prior to buildout.

TABLE 2

Phase I and Phase II (2000) Required Intersection Improvements for University Commons

Intersection Improvement Number	Inter-section	Traffic LOS Prior to Improvement	Development Traffic as a % of LOS "D" Peak Hour Capacity	Required Improvement
1.	Tallevast Road at Tuttle Avenue	F	7.4	Signalize when MUTCD Warranted* unless constructed by the County pursuant to the CIP (Funded).
	University Parkway (partially within Sarasota County)			
2.	Intersection "F", Tuttle Avenue at North Project Access	N/A	N/A	Construct 1 left turn lane NB
3.	Intersection "B"/"E", Tuttle Avenue at Center Project Drive (east & west)	N/A	N/A	Construct 1 left-turn lane NB, SB, EB, & WB, 1 right-turn lane NB, SB & WB. Signalize when MUTCD Warranted*. Should pass through trips created by the opening of Broadway cause the signal to be Warranted*, the Developer* shall pay its proportionate share of the cost of a signal.
4.	Intersection "A"/"D", Tuttle Avenue at South Project Drive	N/A	N/A	Construct 1 right-turn lane SB, 1 directional left-turn lane SB & 1 right-turn lane NB, 1 right-turn lane EB with no EB left-turn allowable & 1 right-turn lane WB with no left-turn allowable WB.
5.	Intersection "H", Lockwood Ridge Road at Project Drive	N/A	N/A	Construct 1 left turn lane NB; & 1 left turn & 1 right turn lane EB. Signalize when MUTCD Warranted* if Warranted prior to buildout of residential units between Lockwood Ridge Road and Tuttle Avenue.
6.	Lockwood Ridge Road at University Parkway	F	7.7	Construct 2 nd left-turn lane NB, SB, EB, and WB. Construct 1 right-turn lane NB, SB, EB, and WB. (CIP project)
7.	Intersection "C", Tuttle Avenue at residential entry (east)	N/A	N/A	Construct 1 left-turn lane SB & 1 right -turn lane NB, 1 left-

turn lane WB & 1 right-turn lane WB.

8.	Intersection "P", University Parkway west of Tuttle Avenue	N/A	N/A	Rightin/right out only. Construct W.B. right-turn lane.
9.	Tuttle Avenue at University Parkway	D	11.5	Extend E.B. left-turn lane

The requirements of Option 1 are hereby satisfied by virtue of the following:

- The County shall Fund* the construction of and construct the improvement identified as intersection improvement #6 in Table 2, pursuant to the following funding mechanism:

The Developer* has agreed to mitigate its proportionate share of intersection improvement #6 and assure the funding commitment for such improvement through the prepayment of projected impact fees for the transportation component of Phase I and the 150,000 square foot commercial development in Phase II. Manatee County shall utilize the Developer=s* prepayment to construct or obtain the construction of the identified intersection improvement. Payment in an amount equal to the total projected payment, less any payments actually made for constructed development and less costs of engineering for the intersection paid by the Developer*, as set forth immediately below, shall be made within thirty days (30) days of notice by Manatee County to the Developer* that such construction will begin within ninety (90) days.

Developer=s* payment shall be secured through the posting of performance security, in a form reasonably acceptable to Manatee County, prior to issuance of permits for any further Vertical Development*. At the request of Manatee County, the Developer* will provide the engineering design for the improvement. The cost of the engineering design shall be a credit against impact fees due by the development and shall reduce the prepayment of the impact fees agreed to above, and shall reduce the amount of the bond. The provisions of this paragraph shall constitute a Development Agreement for purposes of demonstrating that a Responsible Entity* is constructing the improvement. (Completed with prepayment of Impact Fees 8/31/00)
- Intersection Improvements 1(unless constructed by the County pursuant to the CIP), 2, 3, 4, 5, and 7 shall be Funded* by the Developer*, and the geometric improvements required by such Improvements shall be constructed by the Developer*, prior to issuance of any Certificates of Occupancy for the land uses which will utilize these access drive (i.e., Residential, Personal Care, Service, Commercial, and Office. The Funding* and construction of these intersection improvements shall be listed as a condition in any CLOS issued for the land uses identified in this subparagraph.
- The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Comprehensive Plan, fund and construct a right-in/right-out driveway to provide direct access to University Parkway

for the existing on site shopping center (i.e., Centre at University Parkway) (Completed).

4. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code, fund and construct a right-in/right-out driveway to provide direct access to the commercial development at the northeast corner of the intersection of University Parkway and Tuttle Avenue. (Completed)
5. By satisfying provisions B.(1)(a) 1. of this Development Order, the Developer* has also satisfied the concurrency requirements of Rule 9J-5.0055(2), F.A.C. and the concurrency requirements of Manatee and Sarasota Counties for Phase I and 150,000 square feet of commercial for Phase II.
6. The Developer* may, if permitted by interlocal agreement between Manatee and Sarasota Counties and the Manatee County Land Development Code, fund and construct a right-turn in/right out driveway to provide direct access to the commercial development at the northwest quadrant of the intersection of University Parkway and Tuttle Avenue. Completed.

B.(1)b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development*, the capacity and loading of transportation facilities in the University Commons DRI Transportation Impact Area*, including, but not limited to, the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphase of development that is approvable in the adopted Development Order shall be specifically identified as to land use and square footage. The Developer* shall generate and provide the County, the Sarasota--Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of Phase I plus that to be generated by the next portion for which the Developer* is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option I) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at Level of Service D at peak hour (peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County shall ensure in written findings of fact that the above roadways (Tables 1 and 2 above) are operating at or above Level of Service D at peak hours (peak in rural areas), and that the expected trips to be generated by such approval, in addition to the traffic to be generated by other approved DRIs and other approved development would not cause the roadways to operate below Level of Service D at peak hours (peak in rural areas). The Development Order shall be amended for each subphase to grant specific approval and to identify the roadway improvements associated with each subphase.

B.(2) On Site Circulation

The Developer* shall construct on site roadways, bikeways, and pedestrian ways, as appropriate, singularly or in any combination to internally connect all on site land uses. Failure to provide said internal connections shall require the submittal of a revised traffic analysis and submission of a Notice of Proposed Change to determine whether this change is a Substantial Deviation.

- B.(3) Beginning with the first annual report required by the Development Order (April 15), an annual monitoring program consisting of peak hour traffic counts at the project entrances shall be instituted to verify that the projected number of external trips for the Development* are not exceeded. Counts will continue on an annual basis through project build-out, and the information shall be supplied with each required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts for the Development* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, will 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.

- B.(4) Manatee County shall reserve the right to initiate procedures to identify and reserve right-of-way within the project site for future mass transit and roadway improvement needs, in accordance with legally mandated procedures and timeframes. This condition may not be implemented if the area of the project has a valid Preliminary Site Plan or if not in accordance with applicable law.
- B.(5) The Developer* shall dedicate 25' as County road right-of-way from their western property line to Tuttle Avenue at the northern property line of the entire western within 90 days of the approval of Ordinance Z-89-46(C)(R6) (March 12, 2002). (Completed for the western 536 feet, as recorded in O.R. BK. 1898, PGS 1124 - 1130).
- B.(6) The Developer* shall dedicate 84' as County road right-of-way for the future extension of Broadway Avenue, from their western property line to Tuttle Avenue at intersection E, as shown on the GDP Completed. A cross access, as shown on the GDP, shall be provided from the 7.8 acre commercial site to Broadway Avenue.

Dedication of the Broadway Avenue right-of-way shall occur with the first Final Site Plan approval for multi-family parcel. Completed

- B.(7) The Developer* shall dedicate any road right-of-way necessary for the pending improvements to Lockwood Ridge Road prior to the first Final Site Plan or Final Plat approval for any residential development lying between Tuttle Avenue and Lockwood Ridge Road. (Completed)

- B.(8) The Developer shall reserve for the benefit of the HOA a 40' access easement from the single-family semi-detached neighborhood at the centerline of Vintage Drive to Lockwood Ridge Road right-of-way (completed).
- B.(9) Prior to the first Certificate of Occupancy for residential development north of Broadway Avenue, Broadway Avenue shall be constructed to County Standards as a two lane divided roadway with trees in the median, including required intersection improvements, from Tuttle Avenue to the project=s western-most driveway, as shown on the General Development Plan. Completed

Lands and Soils

- C.(1) The Developer* shall test on-site soils for the presence of hazardous agricultural substances/waste, pursuant to Chapter 62-730, F.A.C., prior to the commencement of land development activities in the area(s) to be developed. Contaminated soils shall be removed and disposed of properly, and the agricultural exemptions in Chapter 62-730, F.A.C., shall not apply.
- C.(2) The soil conservation measures referenced on Pages 14-1 and 14-3 of the ADA* shall be required.

Wetlands

- D.(1) Impacts to existing jurisdictional wetlands shall be minimized. All existing jurisdictional wetlands that are to remain on-site, after impacts are approved by appropriate agencies, and all wetlands created on-site to mitigate impacts to existing jurisdictional wetlands shall be treated as conservation areas.
- D.(2) The Developer* shall mitigate all unavoidable impacts to jurisdictional wetlands in accordance with the requirements of the Manatee County Comprehensive Plan. The wetland mitigation area shall be in addition to any littoral planting required to meet SWFWMD surface water management requirements, but such mitigation area may be located adjacent to, or incorporated into, such littoral zones provided the total acreage is the sum of mitigated and required littoral acreage.
- D.(3) All mitigation areas and littoral shelves shall be monitored for species diversity, composition, recruitment, and exotic species encroachment. Additional planting shall be accomplished as necessary to maintain an 85 percent survival/cover of herbaceous wetland communities at the end of three (3) years and an 85 percent survival/cover of forested wetland communities at the end of five (5) years. Wetland mitigation security shall be required in accordance with applicable County ordinances.
- D.(4) No development activities shall be permitted within regional, state, or federal jurisdictional wetlands unless such activities are consistent with the rules of those agencies with jurisdiction, and are in accordance with the goals, objectives, and policies of The Manatee County Comprehensive Plan.
- D.(5) A thirty foot (30') or fifty foot (50') buffer zone, as required by the Comprehensive Plan, shall be established adjacent to Post-Development Wetlands*. All such wetland buffer areas shall

be required to be dedicated to the County in a conservation easement, and shown on any Preliminary and Final Site Plans and subdivision plats containing land with wetland buffer areas. Each Development* phase, or subphase shall include deed restrictions that prohibit development activity and removal of native vegetation within the buffer unless approved by the County and any permitting agency or agencies with jurisdiction.

- D.(6) In conformance with TBRPC Policy 4.3.14, Xeriscape principals as a means to encourage water use efficiency and conservation shall be encouraged through recommendations in the Declaration of Covenants and Restrictions.

Vegetation and Wildlife

- E.(1) In the event that any species listed in Rules 68A-27.003 through 68A-27.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper measures shall be employed to ensure conservation of the species, in coordination with the Florida Fish and Wildlife Conservation Commission (FWCC) and the Environmental Management Department ("EMD"). If listed species are discovered, a Wildlife Conservation Plan shall be prepared and contain at a minimum information on impacts to listed species and measures proposed to provide its conservation. In the event on-site habitat management is required pursuant to this condition, a Wildlife Habitat Management Plan shall be prepared and include, at a minimum, listed species population information, proposed site management methods, and boundary protection. If required pursuant to this condition, the Wildlife Habitat Management Plan shall be submitted to the FWCC and EMD for review and approval.
- E.(2) Conservation areas as required by Condition D(1) shall be designated as such on the Development's* Master Plan known as Map H.
- E.(3) The mixed hardwood/pine community habitat located on the north side of the University Commons site shall be preserved intact or mitigated in accordance with FWCC policies and approved by EMD. This area may be used for passive recreation.

Historical and Archaeological Sites

- F.(1) Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources, ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with TBRPC and Manatee 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 further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with TBRPC and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.
- F.(2) A description of compliance with F.(1) above, shall be included in each Annual Report. A copy of the description of compliance shall be submitted to the Division of Historical Resources. Non-compliance with Condition F.(1) shall require a Substantial Deviation determination.

Water Quality and Drainage

- G.(1) Prior to the issuance of any further development permits for construction, the Master Drainage Plan* for the Development* shall be submitted to the FDEP, the Southwest Florida Water Management District (SWFWMD), and the TBRPC for review and to the County and the EMD for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of Chapters 62-25, and 40D-4, F.A.C., to provide retention, or detention with filtration/assimilation treatment for the site during the 25 year, 24-hour design storm, and such that maximum post-development flows do not exceed pre-development flows for the same design storm. Future flows to the Pearce drain shall not be increased beyond the capacity (55 cfs) of the existing 48-inch pipe during a 25-year, 24 hour design storm, unless the Developer* demonstrates that higher flows can be accommodated by the Pearce drainage system without causing flooding problems within the system. Stormwater management plans for any portion of the site planned to drain south to the Phillippi Creek Main BA watershed shall be provided to the Stormwater Division of the Sarasota County Transportation Department for comment prior to approval by the County.
- G.(2) Best Management Practices* (BMP*) for reducing water quality impacts, as recommended by the FDEP and the SWFWMD in accordance with adopted regulations of those agencies, shall be implemented.
- G.(3) Surface water and groundwater quality shall be assured through the implementation of a Surface/Groundwater Monitoring Program, with appropriate sampling frequencies, in compliance with both the federal Environmental Protection Agency ("EPA") and the FDEP's quality control standards. This program shall be instituted before groundbreaking takes place, in order to obtain baseline conditions, and continue through project build-out. The Surface/Groundwater Monitoring Program shall include the following as a minimum:
- a. The purpose of the sampling program shall be to determine existing background water quality conditions and the effects of the proposed Development* on water quality.
 - b. Water quality samples and flow measurements will continue to be collected two times per year (one wet and one dry season) , through four years past the date of construction of the last phase of the Development*.
 - c. Adequate water quality parameters and sampling shall be selected to assist in making an accurate determination of water quality conditions, change in water quality, and the possible sources of contamination if such contamination is discovered. The program shall provide procedures for clean-up, retrofitting or other steps to resolve identified on-site problems if applicable state or federal water quality standards are exceeded.
 - d. The proposed Surface/Groundwater Monitoring Program shall be submitted for approval to SWFWMD and, the County. Collected data shall be furnished to the County and SWFWMD as part of the Annual Report. Data shall be furnished immediately if problems are identified.

- e. If separate systems are developed for the parcels east and west of Tuttle Avenue, the Surface/Groundwater Monitoring Program may allow the monitoring to terminate at different times.
- G.(4) No discharges to groundwater shall be permitted on-site.
- G.(5) The Developer*, or its designee, shall be responsible for maintaining the stormwater management systems. The maintenance schedule for insuring proper water quality treatment shall be submitted to the TBRPC, SWFWMD, and the FDEP for review, and to the County and the EMD for approval, during the permitting process.
- G.(6) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands. Mitigative measures may be acceptable to replace removed wetlands.

Hazardous Waste

- H.(1) All University Commons tenants that generate hazardous waste should be required to utilize waste exchanges and other appropriate recycling methods to the extent possible and feasible. A report of such use shall be included in each Annual Report.
- H.(2) The Developer*, in cooperation with the tenant businesses within the Development* shall develop an ongoing survey which will locate and catalog those tenant businesses where hazardous substances and wastes are generated, stored, or handled, and keep a record of the disposition of those substances and wastes. The results of this survey shall be included in the Annual Report.
- H.(3) No on-site incineration of biohazardous waste shall be permitted unless approved by the County, the EMD, and any state or federal agency or agencies with jurisdiction.

Energy

- I.(1) Adequate electrical service is available to serve the Development*. Electrical service will be provided by Florida Power & Light Corporation.
- I.(2) All tenants, businesses, residents, etc. of the Development* shall be notified in writing upon occupancy that the following energy-related practices are encouraged:
 - use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
 - obtain energy audits provided by energy companies or other qualified agencies;
 - install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - use landscaping and building orientation to reduce heat gain, where feasible, for all University Commons construction;

- promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- institute and utilize recycling programs;
- utilize energy efficient packaging and/or recyclable materials; and
- install total energy systems on large facilities when cost effective.

Housing

- J.(1) The Developer* has completed a Chapter 380, Florida Statutes, affordable housing analysis which demonstrated that any need for affordable housing generated by the Development* is offset by the availability of affordable housing within the affordable housing study area of the Development*. The Affordable Housing Study was reviewed and approved by the DCA.

Economics

- K.(1) Excess infrastructure capacity constructed by the Developer* to potentially serve Phase II of the Development* shall be at the Developer's* risk and shall not constitute a basis for vested development rights for Phase II.
- K.(2) The Development* shall promote entrepreneurship and small and minority-owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Chapter 187, Florida Statutes, and the FRCRPP. This condition shall apply only to non-residential portions of the project.

Wastewater

- L.(1) The County has determined that there exists adequate wastewater capacity to accommodate the impacts of the development totals contained in Table 1 for the remaining undeveloped portions of Phases I and Phase II of the Development*

The existing Certificate of Level of Service for Phase II shall remain valid until September 14, 2008.

- L. (2) Wastewater service to each phase or subphase of the Development* shall be provided by the County utilizing a Regional Wastewater Treatment Plant owned and operated by the County. In the event that wastewater treatment or disposal capacity is not available as needed to serve the Development*, or a phase or subphase thereof, the Developer*, prior to the commencement of said phase or subphase thereof, shall participate, in accordance with applicable County ordinances, in the treatment plant expansion and the ultimate disposal of wastewater generated by the Development*, or a phase or subphase thereof. No septic system(s) shall be permitted within the Development*.

- L.(3) Sewer lift stations shall be designed using the best engineering practices and submitted to the County for review and approval. Several means of backup shall be provided to ensure against equipment failure and discharge of wastewater to the environment. These back-up devices shall consist of the following:
- a. Lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.

The Developer*, at its option, may exceed these requirements.

- L.(4) The Developer* shall, prior to the first Final Site Plan approval, prepare and submit to the County, a plan to monitor on-site sanitary sewer lines for leaks or ruptures of the sewer lines which are maintained by the Developer*. The plan must be approved by the County, designate the entity(ies) to be responsible for the monitoring, and provide a time schedule which outlines the dates or frequency of monitoring. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report. This requirement shall not apply should the sanitary sewer lines be turned over to and accepted by Manatee County as part of the public sanitary sewer system.
- L.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- L.(6) The Developer* shall not utilize on-site wastewater treatment.
- L.(7) The Developer shall design and install an off-site 8" diameter force-main beginning at the point of emergence from the University Commons property, then running northward along Tuttle Avenue to the intersection with Tallevast Road. The Developer shall pay the full cost of this installation.

The Developer shall also participate with Manatee County in the installation of a 10 inch diameter force-main beginning at the intersection of Tuttle Avenue and Tallevast Road and extending westward along Tallevast Road to the intersection with Prospect Road. The total cost of Developer participation in this section of 10-inch force main shall be determined by either:

- a. Contractor bids for both 8-inch and 10-inch diameter force-main pipe and required fittings requested by the Developer.

OR

- b. Contractor bids for both 8-inch and 10-inch diameter force-main pipe and required fittings obtained by Manatee County through competitive bid as part of the Tallevast Road Improvement Project.

The Developer shall further participate with Manatee County in the installation of a 10-inch diameter force-main beginning at the intersection of Tallevast Road and Prospect Road on Prospect Road northward to Whitfield Ave; then westward on Whitfield Avenue to and tying into an existing gravity sewer manhole at the intersection of Whitfield Avenue and 33rd Street East. The total cost of participation in this section of 10-inch force-main shall be determined by either:

- a. Contractor bids for both 8-inch and 10-inch diameter force-main pipe and required fittings requested by the Developer.

OR

- b. Contractor bids for 4-inch, 8-inch, and 10-inch diameter force-main pipe and required fittings requested by Manatee County School Board as part of the Kinnan Elementary School construction project. The Developer shall reimburse Manatee County for the total cost the County incurred to upsize the force-main to 10-inch diameter on Prospect Road and Whitfield Avenue or shall pay such reimbursement to Manatee County for that 10-inch diameter force main as part of a participation agreement with the Manatee County School Board.

The total cost of participation in upsizing the force main (along the route described above) to serve the entire University Commons DRI shall be paid by the Developer to Manatee County prior to the first Final Plat in Phase One of this project (excluding the area of the 120 bed skilled nursing facility). (Completed)

- L.(8) A pre-design conference will be required prior to submittal of Construction Drawings to discuss points of connection for wastewater service and the configuration of the sanitary sewer systems.
- L.(9) The engineer of record shall be responsible for determining if upgrading of offsite facilities are necessary prior to construction plan submittal for sanitary sewer. Oversizing of facilities may be necessary with possible participation by Manatee County.

Water

- M.(1) The County has determined that there exists adequate potable water capacity to accommodate the impacts of the development totals contained in Table 1 for the remaining portions of Phases I and Phase II of the Development*.

The existing Certificate of Level of Service for Phase II shall remain valid until September 14, 2008.

- M.(2) The Developer* shall be responsible for the maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations.

- M.(3) The water conservation fixtures and measures referenced in the ADA* shall be required. Water saving devices shall be installed in accordance with the Florida Water Conservation Act, Section 553.14, Florida Statutes.
- M.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- M.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to Manatee County and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further land development permits, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using on-site wells, reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- M.(6) Adequate fire flow and water pressure to serve every building for which fire protection is required shall be maintained within the Development's* water supply system. "Adequate" for this condition shall mean the most restrictive applicable regulations of the Manatee County Comprehensive Plan, or any other mandatory regulations of any federal, state or local agency with jurisdiction over this Development*.
- M.(7) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.
- M.(8) Prior to any submittals by the applicant to the Manatee County Development Review Committee, the applicant shall provide a conceptual master plan for water and fire protection for approval by the Planning Department (Completed). The water and fire protection conceptual master plan shall show the extent of the water lines that shall be provided to serve the Development* including all source/discharge points. The water line shall be looped to provide an adequate source of water to the Development*. Water lines and fire protection shall be specified on the plans as per the requirements of the Comprehensive Plan, the Fire Marshall, and the Planning Department:
 - (a) The land use and dwelling units per gross acre shall be provided as necessary for residential use.
 - (b) Corresponding with the land uses, fire flow rates in gallons per minute shall be provided as specified by the Comprehensive Plan and the Fire Marshall.
 - (c) At time of development, it shall be the applicant's responsibility to provide these minimum fireflow needs.
- M.(9) A pre-design conference will be required prior to submittal of Construction Drawings to discuss points of connection for water service and the configuration of the water systems.
- M.(10) The engineer of record shall be responsible for determining if upgrading of offsite facilities are necessary prior to construction plan submittal for potable water or fire protection. Oversizing of facilities may be necessary with possible participation by Manatee County.

Solid Waste

- N.(1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of the development totals contained in Table 1 for the remaining undeveloped portions of Phases I and Phase II of the Development*.

The existing Certificate of Level of Service for Phase II shall remain valid until September 14, 2008.

- N.(2) The Developer shall utilize available recycling programs from the County.
- N.(3) It is strongly suggested that the applicant investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.

Education

- O.(1) The Developer* shall comply with the impact fee ordinance for education system improvements.

Recreation and Open Space

- P.(1) All on site recreation and open space areas not dedicated to the County or any other agency or agencies shall be maintained by the Developer*.
- P.(2) The Developer* shall comply with The Manatee County Comprehensive Plan with respect to provisions concerning parks or park sites. Designated recreation and open space areas shall not be changed from such uses unless approved by the County, in accordance with the Comprehensive Plan and the Land Development Code.
- P.(3) The recreation and open space components of the Development* shall be designated on the Preliminary and Final Site Plans in accordance with The Manatee County Land Development Code.
- P.(4) Installation of the 8.8 acre lake and recreational facility shall be completed or bonded prior to BOCC approval of a Final Plat, of Final Site Plan if no Plat is required, for the 101st residential lot or dwelling unit in the residential portion of the project (between Lockwood Ridge Road and Tuttle Avenue). Installation shall be completed no later than the issuance of a C.O. for the 151st residential lot or dwelling unit. This facility shall include active recreational opportunities and amenities (completed).

Police, Fire and Health Care

- Q.(1) Emergency medical services and fire protection will be provided by Manatee County or the Southern Manatee Fire and Rescue District. 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 fire and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County and fire district, satisfy this

obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County and fire district or payment of impact fees, if applicable. An agreement as to pro rata share, mutually acceptable to the County, fire district, and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Development* and any pro-rata lump sum payment shall be creditable against the payment of impact fees in accordance with applicable law (completed).

- Q.(2) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Development*. The Developer* shall participate, in accordance with applicable County Ordinances, in any expansion of such services necessary to serve the Development* or any phase or subphase thereof.
- Q.(3) The Development* shall be designed and constructed to meet or exceed applicable provisions of the State Fire Code - Rule 4A-3.012., F.A.C.

Air

- R.(1) The Developer* shall implement the fugitive dust abatement procedures and air emissions control measures set forth on pages 13.1, 14.2 and 14.3 of the ADA*.

Floodplains/Disaster Preparedness

- S.(1) In order to minimize potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and in accordance with local, state and federal requirements.

General Conditions

- T.(1) In the event that a Regional Activity Center is designated which would be applicable to the area in which the Development* is located, then the provisions governing developments within Regional Activity Centers shall, at the option of the Developer*, apply without the requirement for an amendment to this Development Order. Provided, however, that such designation shall not operate to reduce the requirements of this Development Order below applicable, adopted rules of the TBRPC and the DCA.
- T.(2) The Manatee County Planning Director, or an authorized designee, shall be responsible for monitoring the Development* and ensuring its compliance with this Development Order. The data necessary for monitoring the Development* shall be generated by building permits, certificates of occupancy, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by the Manatee County Land Development Code.
- T.(3) Phase I and Phase II of the Development* are subject to the conditions found within the Development Order.

Land Use and Site Design

U.(1) Use Restrictions

- a. The land uses approved on this site are limited as described on the General Development Plan and within the DRI Development Order (Ord 04-47).
- b. Unless otherwise expressly stated in this ordinance or the Development Order of the DRI, the Developer* shall comply with all future amendments to the Land Development Code and the 2020 Comprehensive Plan.
- c. The non-residential floor area ratio shall not exceed .35 in any instance, nor shall the gross density exceed 9 dwelling units per acre.
- d. The uses permitted on the outparcel located between Access Point AB@ and Access Point AA@, east of Tuttle Avenue, shall be limited to those uses listed as Apermitted@ in the Neighborhood Commercial Zoning District under Commercial Uses - Retail and Services (excluding convenience stores) found in Figure 6-1 of the Land Development Code. Drive-thru eating establishments and banks shall also be permitted.
- e. Commercial uses west of Tuttle Avenue shall be limited to retail sales establishments, eating establishments (including drive-thru), banks (including drive-thru), business service establishments, health services, offices, dry cleaners, food catering, funeral chapels, printing (small and medium), repair service establishments, and personal service establishments. Only office uses, including bank (with drive thru), may be permitted on the western-most lot west of Access AP@.

If a bank is permitted on the western most lot, then the berm referenced in Stipulation U.4.a shall gradually transition in height on the western most lot west of Access "P" so as to be 3 feet in height, measured from the centerline or edge of pavement, whichever is lower adjoining University Parkway, west bound travel lanes, at the western property line.

U.(2) Building Design

- a. The Commercial Areas shall be oriented so that a building front or front facade faces University Parkway. The Director of the Planning Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- b. All building facades visible from University Parkway, Tuttle Avenue, and residential properties to the north, shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted. Architectural metals or concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty

percent (50%) of the building face is constructed from other permitted materials. In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 80 feet in length (40' west of Tuttle Avenue) in any direction for the commercial and office buildings. Design elements including prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] shall be applied to the walls of buildings, or other methods, as approved by the Planning Director. West of Tuttle Avenue facades greater than 100 feet in length shall have a variation in roof line through varying the height of the roof, or the use of 2 or more roof types (parapet, dormers, sloped, etc.) Design elements shall be reviewed for compliance by staff at time of Final Site Plan submittal.

- c. All roof mounted HVAC equipment, mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view from surrounding residential property and public right-of-way. Screening shall be provided by materials consistent with the construction of the exterior finish materials of the buildings.
- d. The anchor building shall be in substantial conformance with the elevations entered into the record at the December 7th and December 19th, 2000 public hearings [Z-89-46(C)(R-4)] (completed).
- e. The residential buildings west of Tuttle Avenue shall be in substantial conformance with the elevations entered into the record at the June 22, 2004 public hearing.

U.(3) Site Design

- a. The Commercial Areas shall be designed so that parking areas along University Parkway will be screened in accordance with the Land Development Code and the enhanced landscaping requirements of Condition U.(1), above. The Director of the Planning Department shall have the authority to approve an alternative design which is aesthetically equal to or superior to this requirement.
- b. Dumpsters or compactors shall not be located in front of any building, and these units shall meet all setback requirements. These units shall not be visible from any collector or arterial facility or the 34.1 acre single-family attached component of this project. Specific locational approval for these units shall be during Preliminary and Final Site Plan stage.
- c. All truck loading and service areas shall be located at the non-street side of buildings when adjacent to University Parkway. Additional buffering may be required if visible from Tuttle Avenue or any residential property.
- d. Signs along University Parkway shall be limited to one pole sign for the commercial parcel east of Tuttle Avenue and one pole sign for the commercial parcel west of Tuttle Avenue as shown on the General Development Plan. One additional pole sign may be allowed for each parcel, provided those pole signs are located on Tuttle Avenue, at least 300' north of University Parkway. Additional permitted signs shall be limited to ground signs. All signage must provide concealment of main support structure (e.g., pole) between 20 and 100% of sign width with materials consistent with those in the development.

Ground signs west of Tuttle Avenue shall be of a common theme and contain similar materials, to be determined prior to the first non-residential Final Site Plan approval west of Tuttle Avenue.

- e. Minimum lot widths and dimensions shall be as shown on the GDP. The following minimum setbacks and maximum heights shall apply to the land uses within this development:

Land Use	Front	Side	Rear	Height
Skilled Nursing	45'	45'	60'	3 story
Single-Family Residential				
Detached	20'/(15*)	6'	15'	2 stories
Semi-detached	20'/(15*)	8'***	15'	2 stories
Attached	25'	10'***	20'	2 stories

* with side entry garages

** applies to exterior walls only

Multi-Family Residential

Setbacks

Adjacent to Tuttle Avenue prop.line.	50'/70**
Adjacent to Skilled Nursing Facility prop.line.	20'
Adjacent to Western Property line	80'/100**
Adjacent to Northern Property line	140'
Other Property lines	40'

Height	35' north of Broadway Avenue, 46' - 5" south of Broadway Avenue
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- * two story buildings/three story buildings

Commercial

Adjacent to Tuttle Ave	40'
Adjacent to University Pkwy	40'
Northern boundary of west & east overall parcels	25'
West boundary of parcel west of Tuttle Ave	30'
East boundary of parcel east of Tuttle Ave	20'
Outparcels - interior parcel lines	10'
Height east of Tuttle Ave	35'/45**
Height west of Tuttle Ave	25'***

- * A maximum of 40' is permitted for the anchor building, including the parapet. The skylight may be a maximum of 45'.

- ** May be increased to 35 feet for architectural or design features used for building entrances.

- f. All carport or garage walls shall maintain setback of 10 feet from the adjacent drive aisle in order to provide adequate visibility.
- g. The design and shielding of any on-site lighting west of Tuttle Avenue shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. All pole lights on the 7.6 acre commercial parcel shall maintain a consistent style. The pole light style shall be determined prior to the first non-residential Final Site Plan approval west of Tuttle Avenue.



- h. Double stacking of parking spaces for units with two car garages on the parcel north of Broadway Avenue is permitted.

U.(4) Buffers

- a. The Preliminary and Final Site Plans for the Commercial Area of the development (both east and west of Tuttle Avenue) shall include a 30' wide perimeter buffer along University Parkway that contains earthen berms a minimum of three feet (3') in height and shall be planted with trees and understory vegetation to provide a visual buffer between these land uses and University Parkway. This perimeter buffer shall be planted with two rows of canopy trees (2 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 earthen berm shall be located adjacent to University Parkway. The landscape plan along University Parkway west of Tuttle Avenue shall be in accordance with the plans dated February 6, 2002 and approved with Z-89-46(C)(R-6). An aesthetically equal or superior alternative can be approved by the Director of the Planning Department. Perimeter buffer widths around the commercial parcels shall be as follows and landscaped in accordance with Section 715 of the LDC:

Property Line	Parcel east of Tuttle Ave.	Parcel west of Tuttle Ave.
North	20 feet	15 feet
East	20 feet	20 feet
West	20 feet	30 feet

Unless otherwise approved by EMD, existing indigenous vegetation shall remain in the perimeter buffers 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. An aesthetically equal or superior alternative can be approved by the Director of the Planning Department.

- b. A 20' landscape easement shall be provided on the north side of the central spine road connecting Tuttle Avenue and Lockwood Ridge Road.
- c. Any lots along the central spine road connecting Tuttle Avenue and Lockwood Ridge Road shall be reverse frontage lots.
- d. The existing mature tree stands (exclusive of citrus trees) located adjacent to the northern property boundary of the eastern parcel will be incorporated to the maximum extent possible in the landscape buffer to provide additional buffering beyond that required by the Manatee County Land Development Code.
- e. There shall be a 20' separation between individual lots and the right-of-way for the central spine road. The entire A preserve@ area shall be treated as undeveloped open space and buffer.
- f. Along the northern property line for the multi-family site west of Tuttle Avenue and north of Broadway Avenue, two rows of canopy trees (3" caliper canopy trees at least 12 feet in height and 4' spread) spaced 40' on-center shall be planted prior to the first Certificate of Occupancy for this parcel. One row shall be north of the proposed northern-most lake and one row shall be south of this lake.
- g. Along the west side of Tuttle Avenue, north of Broadway Avenue, two rows of trees (3" caliper trees at least 12 feet in height and 4' spread) spaced 40' on-center shall be planted in the multi-family parcel prior to the first Certificate of Occupancy. One row shall be canopy trees and one row shall be understory trees. The two rows shall be at least 30 feet apart and offset from each other to give the appearance of trees located 20' on-center.
- h. The trees within the 20 foot wide street frontage buffer along the south side of Broadway Avenue in the multi-family parcel shall be at least 5-inch caliper at time of planting.

U.(5) Vehicular Circulation

- a. The Developer* and Manatee County shall begin negotiations leading to an agreement regarding the realignment of Tuttle Avenue, consistent with the Letter of Intent presented to the Board of County Commissioners, within 30 days of the approval date of this ordinance (Completed).
- b. The internal roadway connecting the Commercial parcel and the single-family detached parcel, including both access points from the single-family detached parcel to Tuttle Avenue, shall be completed with the first Final Site Plan, if no plat is required, or Final Plat approval for either parcel. This internal roadway connection shall be constructed to the northern property or parcel line of the Commercial parcel if constructed with development of the single-family detached parcel. Should this improvement be bonded, physical construction shall be complete prior to the first Certificate of Occupancy on either parcel. The connection between the Commercial parcel and the third access point north of University Parkway (as shown on the GDP) shall be open for public use and not be gated or electronically controlled. Cross access easements shall be recorded for the Commercial parcel and the single-family detached parcel Completed.

- c. Prior to issuance of the first Certificate of Occupancy for the ∇ 28.2 acre vacant Commercial parcel a cross access easement shall be recorded at Access Point AN@ and the connection shall be constructed to provide access between the existing ∇ 30 acre Commercial parcel (located at the northwest corner of University Parkway and Lockwood Ridge Road) and the ∇ 28.2 acre Commercial parcel, as identified on the GDP. The specific location shall be approved by the Planning Department Completed.
- d. The Developer shall create a negative easement along Tuttle Avenue, Lockwood Ridge Road, and University Parkway to prevent vehicular access, except for access permitted as part of a Preliminary or Final Site Plan approval for each phase, which shall be consistent with the General Development Plan.
- e. The first driveway access point for the Commercial parcel (Intersection A/D north of University Parkway on the east side of Tuttle Avenue) shall be limited to right-in, right-out, and directional left-in traffic movements only. All Final Site Plans and Final Plats shall contain notes to inform all residents, purchasers, and tenants that all access points on Tuttle Avenue, with the exception of one future traffic signal location (generally 1/4 mile north of University Parkway) and southbound directional left at Intersection C (unless closure is warranted by correctable accident experience) may be restricted to right-in and right-out traffic in the future.

Except as set forth above, all access points to Tuttle Avenue that are shown on the GDP may be temporarily used for full access movements until such time as full access is required to be limited by the Manatee County Transportation Department. The Manatee County Transportation Department may limit these full movement access points at any time. Any improvements or signs installed by the Developer* or tenants that take advantage of the temporary use of these access points for full access, and which must be removed, are considered temporary. Closure of full access movements and removal of any improvements that utilized full access shall not be considered a taking.

- f. The Developer* shall install a stabilized emergency access between the single-family detached and single-family attached neighborhoods and another such access between the single-family semi-detached area and Lockwood Ridge Road. The standards for which shall be approved by the Public Safety Department and Fire District prior to approval of the Final Site Plan Completed.
- g. All Final Site Plans, Final Plats, Notices to Buyers, and Homeowner=s Documents shall contain a note informing prospective purchasers of the internal connections between the shopping centers and the residential areas of the project.

U.(6) Pedestrian Circulation

- a. A master pedestrian/bike path plan shall be submitted for review and approval with each phase. The pedestrian and bike paths shall provide linkages between the various land uses within this site as well as provide for linkage to existing or future external systems.

- b. Safe and efficient cross access for bicycles and pedestrians shall be provided throughout the development. A minimum of 5 foot wide sidewalks and pedestrian ways shall be provided to facilitate internal pedestrian circulation within and through the development, including commercial (outparcels included), and a pedestrian connection between the commercial parcel west of Tuttle Avenue and the residential parcels to the north. The location of the sidewalks and pedestrian ways shall be approved by the Planning Department with future plan submittals. Bicycle parking facilities shall be provided for each individual project in the development. A minimum of 1 bike rack for each single business exceeding 75,000 square feet of shopping center building area and 1 bike rack for each additional 75,000 square feet of shopping center building area shall be provided. These facilities shall be conveniently located to the entrances of the commercial and office buildings, and shall include facilities that secure the frame of the bicycle.
- c. 5' sidewalks shall be provided along Lockwood Ridge Road, University Parkway, Broadway Avenue, and Tuttle Avenue (both sides) in all locations where sidewalks do not currently exist along the external boundaries of University Commons or which are not part of a committed County Improvement Project. These sidewalks shall be completed with the first Final Site Plan or Final Plat on adjoining parcels (as shown on the GDP). Sidewalks shall be provided along the entire frontage of the Commercial and Office parcels with the first Final Site Plan for those parcels, including any outparcels.

The Developer* shall be required to complete or bond any missing gaps in sidewalks along the east side of Tuttle Avenue to Tallevast Road. These requirements shall be met prior to the first Final Plat for the single-family detached portion of the project.

Section 3. LEGAL DESCRIPTION.

See Attachment #5.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy with the Department of State.

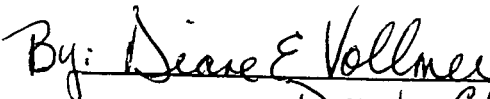
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 26th day of April, 2005.

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

BY: 

Chairman

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

By: 
Deputy Clerk

Attachment 3

COMMENCE at the Southwest corner of Section 33, Township 35 South, Range 18 East, (same being the Southeast corner of Section 32, Township 35 South, Range 18 East); thence S.89°14'43"E., along the South line of Section 33 (Township Line), 1532.42 feet; thence N.00°43'17"E., a distance of 173.00 feet to the intersection with the North Right-of-Way line of University Parkway (County Line Road) as described and recorded in Official Records Book 974, Page 128, Public Records of Manatee County, Florida, for a POINT OF BEGINNING; said point lying at the Southwest corner of that certain parcel of land as described and recorded in Official Records Book 1200, Page 3224, said Public Records; thence run the following courses along the Westerly lines of said certain parcel of land: N.00°45'17"E., 1017.42 feet; thence N.50°31'27"E., 538.04 feet; thence S.89°14'43"E., along the Northerly line of said certain parcel of land and the Easterly extension thereof, a distance of 674.04 feet to the intersection with the East line of the Southwest 1/4 of said Section 33; thence N.00°52'38"E., along said East line, a distance of 1143.03 feet to the Northeast corner of said Southwest 1/4 (same being the Southeast corner of the Northwest 1/4 of said Section 33); thence continue N.00°52'38"E., along the East line of said Northwest 1/4, 1675.03 feet; thence N.89°15'35"W., a distance of 60.00 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ONTARIO, a Land Condominium, as described and recorded in Condominium Book 23, Pages 58 through 62, aforesaid Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ONTARIO, a distance of 947.69 feet to the Southeast corner of THE TREETOPS AT NORTH 40 - ST. CHARLES, a Land Condominium, as described and recorded in Condominium Book 24, Pages 145 through 148, said Public Records; thence continue N.89°15'35"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 302.20 feet; thence S.00°50'04"W., along the Easterly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, 335.01 feet; thence N.89°20'24"W., along the Southerly line of said THE TREETOPS AT NORTH 40 - ST. CHARLES, a distance of 327.64 feet to the Southeast corner of HUNTER'S GROVE, a Subdivision, as described and recorded in Plat Book 25, Pages 116 through 119, said Public Records; thence continue N.89°20'24"W., along the Southerly line of said HUNTER'S GROVE, a distance of 327.33 feet to the Northeast corner of OAKWOOD ACRES, a Subdivision, as described and recorded in Plat Book 19, Page 113, said Public Records; thence S.00°49'16"W., along the Easterly line of said OAKWOOD ACRES, 669.52 feet; thence N.89°16'52"W., along the Southerly line of said OAKWOOD ACRES, and the Westerly extension thereof, a distance of 654.44 feet to the intersection with the West line of aforesaid Northwest 1/4 of Section 33; thence S.00°48'04"W., along said West line, a distance of 670.52 feet to the Southwest corner of said Northwest 1/4, (same being the Northwest corner of the Southwest 1/4 of Section 33); thence S.89°17'09"E., along the North line of said Southwest 1/4, a distance of 33.00 feet to the intersection with the East Right-of-Way line of Tuttle Avenue as described and recorded in Official Records Book 1390, Page 4268, said Public Records; thence run the following

CONTINUED

courses along said East Right-of-Way line: S.00°48'04"W., a distance of 25.05 feet to the Point of Curvature (P.C.) of a curve concave to the West, having a radius of 12160.40 feet; thence run Southerly along the arc of said curve, through a central angle of 03°01'41", a distance of 642.69 feet to the Point of Reverse Curvature (P.R.C.) of a curve concave to the East having a radius of 12094.40 feet; thence run Southerly, along the arc of said curve, through a central angle of 00°58'37", a distance of 206.19 feet to the intersection with the West line of said Southwest 1/4; thence continue Southerly, along the arc of said curve, through a central angle of 02°03'12", a distance of 433.46 feet to the Point of Tangency (P.T.) of said curve; thence S.01°15'49"W., 682.15 feet; thence S.88°44'11"E., 9.00 feet; thence S.01°15'49"W., a distance of 517.49 feet to the intersection with the aforesaid North right-of-Way line of University Parkway; thence S.89°14'43"E., along said North Right-of-Way line, a distance of 11.95 feet to the intersection with said West line of the Southwest 1/4; thence continue S.89°14'43"E., along said North Right-of-Way line, a distance of 1532.28 feet to the POINT OF BEGINNING.

LESS Rights-of-Way for Lockwood Ridge Road and Tuttle Avenue.

EAST PARCEL:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E. (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E.); THENCE S 89°14'43" E, ALONG THE SOUTH LINE OF SECTION 33 (TOWNSHIP LINE), 1532.42 FT.; THENCE N 00°45'17" E, A DISTANCE OF 173.00 FT. TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 874, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING, SAID POINT LYING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1200, PAGE 3224, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG THE WESTERLY LINES OF SAID CERTAIN PARCEL OF LAND: N 00°45'17" E, 1017.42 FT.; THENCE N 50°31'27" E, 538.04 FT.; THENCE S 89°14'43" E, ALONG THE NORTHERLY LINE OF SAID CERTAIN PARCEL OF LAND AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 874.04 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 33; THENCE N 00°32'38" E, ALONG SAID EAST LINE, A DISTANCE OF 1143.03 FT. TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 (SAME BEING THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 33); THENCE CONTINUE N 00°32'38" E, ADDING THE EAST LINE OF SAID SOUTHWEST 1/4, 1875.03 FT.; THENCE N 89°15'35" W, A DISTANCE OF 80.00 FT. TO THE SOUTHEAST CORNER OF "THE TREETOPS AT NORTH 40 - ONTARIO", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 23, PAGES 58 THROUGH 62, AFORESAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ONTARIO", A DISTANCE OF 847.88 FT. TO THE SOUTHEAST CORNER OF THE "THE TREETOPS AT NORTH 40 - ST. CHARLES", A LAND CONDOMINIUM, AS DESCRIBED AND RECORDED IN CONDOMINIUM BOOK 24, PAGES 145 THROUGH 148, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°15'35" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 302.20 FT.; THENCE S 00°50'04" W, ALONG THE EASTERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", 335.01 FT.; THENCE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "THE TREETOPS AT NORTH 40 - ST. CHARLES", A DISTANCE OF 327.84 FT. TO THE SOUTHEAST CORNER OF "HUNTER'S GROVE", A SUBDIVISION, AS DESCRIBED AND RECORDED IN PLAT BOOK 25, PAGES 118 THROUGH 119, SAID PUBLIC RECORDS; THENCE CONTINUE N 89°20'24" W, ALONG THE SOUTHERLY LINE OF SAID "HUNTER'S GROVE", A DISTANCE OF 327.33 FT. TO THE NORTHEAST CORNER OF "OAKWOOD ACRES", A SUBDIVISION AS DESCRIBED AND RECORDED IN PLAT BOOK 19, PAGE 113, SAID PUBLIC RECORDS; THENCE S 00°49'18" W, ALONG THE EASTERLY LINE OF SAID "OAKWOOD ACRES", 869.52 FT.; THENCE N 89°15'52" W, ALONG THE SOUTHERLY LINE OF SAID "OAKWOOD ACRES" AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 854.44 FT. TO THE INTERSECTION WITH THE WEST LINE OF AFORESAID NORTHWEST 1/4 OF SECTION 33; THENCE S 00°48'04" W, ALONG SAID WEST LINE, A DISTANCE OF 870.52 FT. TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4, (SAME BEING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33); THENCE S 89°17'09" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 33.00 FT. TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 4288, SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG SAID EAST RIGHT-OF-WAY LINE: S 00°48'04" W, A DISTANCE OF 25.05 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 12180.40 FT.; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°01'41", A DISTANCE OF 842.89 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 12094.40 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°58'37", A DISTANCE OF 208.18 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE CONTINUE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°03'12", A DISTANCE OF 433.48 FT. TO THE P.T. OF SAID CURVE; THENCE S 01°15'49" W, 682.15 FT.; THENCE S 88°44'11" E, 9.00 FT.; THENCE S 01°15'49" W, A DISTANCE OF 517.49 FT. TO THE INTERSECTION WITH THE AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°14'43" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.95 FT. TO THE INTERSECTION WITH SAID WEST LINE OF THE SOUTHWEST 1/4; THENCE CONTINUE S 89°14'43" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1532.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 32 AND 33, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA. SUBJECT TO MANATEE COUNTY MAINTAINED RIGHTS-OF-WAY FOR LOCKWOOD RIDGE ROAD AND TUTTLE AVENUE.

CONTAINING 198.81 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.

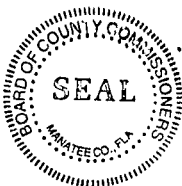
TOGETHER WITH:

WEST PARCEL:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 18 E., (SAME BEING THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 18 E.); THENCE N 89°36'22" W, ALONG THE SOUTH LINE OF SECTION 32 (TOWNSHIP LINE), 94.72 FT.; THENCE N 00°23'38" E, A DISTANCE OF 173.00 FT. TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 974, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1390, PAGE 4288, SAID PUBLIC RECORDS FOR A POINT OF BEGINNING; THENCE RUN THE FOLLOWING COURSES ALONG SAID WEST RIGHT-OF-WAY LINE OF TUTTLE AVENUE: N 01°15'49" E, 518.84 FT.; THENCE S 88°44'11" E, 9.00 FT.; THENCE N 01°15'49" E, A DISTANCE OF 882.15 FT. TO THE P.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 12,180.43 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°10'01", A DISTANCE OF 459.91 FT.; THENCE LEAVING SAID WEST RIGHT-OF-WAY, RUN S 89°37'12" W, 362.92 FT.; THENCE N 00°22'48" E, 220.87 FT.; THENCE S 89°37'12" W, 137.08 FT.; THENCE N 00°22'48" E, A DISTANCE OF 606.21 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 25.0 FT. OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 32; THENCE N 89°38'35" W, ALONG SAID SOUTH LINE, PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST 1/4, AND 25.0 FT. SOUTHERLY THEREFROM, 538.74 FT.; THENCE S 00°34'15" W, A DISTANCE OF 2480.33 FT. TO THE INTERSECTION WITH AFORESAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY; THENCE S 89°36'22" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1001.81 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 32, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 49.62 ACRES MORE OR LESS.

CONTAINING A TOTAL ACREAGE OF 248.43 ACRES MORE OR LESS, INCLUDING MAINTAINED RIGHTS-OF-WAY.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 29th day of

R.B. SHORE

Clerk of Circuit Court

By: Diane E. Vollmer D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 25th day of

R.B. SHORE

Clerk of Circuit Court

By: Diane E. Vollmer



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD
R. B. SHORE
2005 MAY -9 PM 12: 26
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

May 5, 2005

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 29, 2005 and certified copy of Manatee County Ordinance No. Z-89-46(G)(R-9) , which was filed in this office on May 4, 2005.

As requested, the date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs
Enclosure