

MANATEE COUNTY ORDINANCE
PDMU-06-16(P)(R) – UNIVERSITY GROVES / UNIVERSITY PARKWAY PROPERTIES, LLC

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A REVISED PRELIMINARY SITE PLAN TO ALLOW A MAXIMUM OF: 71 SINGLE-FAMILY DETACHED RESIDENTIAL LOTS; 78 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS OR 90 SINGLE-FAMILY ATTACHED INDEPENDENT LIVING UNITS; 339 MULTI-FAMILY UNITS; AND A COMBINATION OF 163,600 SQUARE FEET OF OFFICE SPACE; 217,045 SQUARE FEET OF RETAIL COMMERCIAL SPACE (INCLUDING A 120 ROOM HOTEL); 200 INDEPENDENT LIVING MULTI-FAMILY UNITS; 100 BED GROUP CARE HOME, AND A 60 BED RESIDENTIAL TREATMENT FACILITY; ON APPROXIMATELY 142.15 ACRES NORTH OF UNIVERSITY PARKWAY AND WEST OF TUTTLE AVENUE, EXTENDING APPROXIMATELY 1,000 FEET WEST OF SHADE AVENUE, AND SOUTH OF THE OAK GROVE SUBDIVISION; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R. B. SHORE

2009 JUN 19 PM 1:05

CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA

2009 JUN 15 AM 11:45

FILED

WHEREAS, University Groves Development, LLC / Royal Palms of Sarasota, LLC (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 142.15 acres described in Exhibit "A", attached hereto, (the "Property") to approve a revised Preliminary Site Plan to allow a maximum of: 71 single-family detached residential lots; 78 single-family attached residential units or 90 single-family attached independent living units; 338 multi-family units; and a combination of 163,600 square feet of office space; 217,045 square feet of retail commercial space (including a 120 room hotel); 200 independent living multi-family units; 100 bed group care home, and a 60 bed residential treatment facility; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives previously granted Specific Approval for alternatives to Sections 603.11.4.3, 702.6.10, 710.1.6, and 714.8 and modifying the alternative to Specific Approval for Section 710.1.6 of the Land Development Code

WHEREAS, the applicant filed a request to Special Approval that was previously granted in the RES-6, MU, and ROR Future Land Use Categories; and

WHEREAS, Planning Department staff recommended approval of the revised Preliminary Site Plan, Specific Approval, and Special Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on May 21, 2009 to consider the revised Preliminary Site Plan, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the revised Preliminary Site Plan, Specific Approval, and Special Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval subject to the stipulations contained in the staff report.

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, 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 report of the Manatee County Planning Commission concerning the application for a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on June 4, 2009 regarding the proposed revised Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of the site plan to satisfy the requirements of LDC Sections 603.11.4.3, 702.6.10, 710.1.6, and 714.8, the Board finds that the public purpose and intent of the LDC regulations have been satisfied to an equivalent or greater degree by the project design.
- F. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 710.1.6, the Board finds that the public purpose and intent of the LDC regulations have been satisfied to an equivalent or greater degree by the project design and the nature of the development components which are expected to have peak parking requirements at differing times of the day.

Section 2. PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved to allow a maximum of: 71 single-family detached residential lots; 78 single-family attached residential units or 90 single-family attached independent living units; 338 multi-family units; and a combination of 163,600 square feet of office space; 217,045 square feet of retail commercial space (including a 120 400m hotel); 200 independent living multi-family units; 100 bed group care home, and a 60 bed residential treatment facility subject to the following stipulations:

STIPULATIONS

1. Development Approval

- A. In order to guarantee a “neo-traditional” design concept for the Town Center, the north-south drive connecting the roundabout on Broadway with University Parkway shall be constructed with the first subphase within the Town Center.

The area depicted as Buildings 24, 25, 27, 28, 29, and 33, shall not be used as required parking or any use that would be inconsistent with developing the “main street” component of this project.

- B. At time of the first Final Site Plan submittal for each designated area (I – VI), the applicant shall commit to the option on Sheets 3A and 3B that said area will be developed. All future subphases within an area, shall maintain general consistency with the selected option. The developer may interchange buildings and uses from different options for each area, provided the plan maintains general consistency with circulation, connectivity, and parking requirements
- C. Each Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance and shall be subject to the requirements of the Manatee County Land Development Code which are not specifically addressed in this Ordinance.
- D. A Small Day Care is approved for Area IV.
- E. An Independent Living Facility is defined as a residential living setting for elderly or senior adults that may or may not provide hospitality or supportive services. Under this living arrangement, the senior adult leads an independent lifestyle that requires minimal or no extra assistance. This use is generally referred to as elderly housing.
- F. The Residential Treatment Facility shall be limited to providing diagnostic or therapeutic services for residents with physical injuries and related symptoms.
- G. A cross access parking agreement for Area II and Area IV shall be approved prior to Final Site Plan approval.

2. Transportation Related

- A. Prior to issuance of the first Certificate of Occupancy for any development south of Broadway Avenue, the developer shall construct westbound acceleration and deceleration lanes at the “right-in/right-out” access on University Parkway. This driveway location must meet the distance requirements of the Interlocal Agreement between Sarasota and Manatee County for University Parkway. (Completed)
- B. Prior to approval of the first Final Subdivision Plat for single-family lots, the developer shall construct a northbound (left-turn) refuge lane at the intersection of the north project access street and Tuttle Avenue. (Completed)
- C. The Developer shall provide the appropriate intersection sight distances and turning radii per AASHTO guidelines or as approved by the Department of Transportation. The Developer shall depict such distances and turning radii on the Final Site or Construction Plans.
- D. Only one driveway for Lots 1, 2 and 3 shall be provided on Tuttle Avenue. A cross access easement shall be provided along the frontage of Lot 1 to access Lots 2 and 3.
- E. The roundabout in Broadway Avenue shall be constructed to State guidelines and approved by the Transportation Department (Completed).
- F. Within the multi-family component in the northwest portion of the site, an inter-neighborhood tie shall be provided to the west from the eastern edge of the property at Shade Avenue to the western property boundary. The inter-neighborhood tie may be in the form of a private access easement to the property to the west and shall be 50’ feet in width. Shade Avenue shall be constructed to connect to this inter-neighborhood tie.
- G. The existing Certificate of Level of Service (CLOS-07-001) vests 857 PM Peak Hour trips for this development. With each subsequent final site plan submittal, the applicant shall ensure that the cumulative Total Net New External PM Peak Hour Project Trips not exceed the approved 857 Net New External PM Peak Hour Project Trips. An updated cumulative Net New External PM Peak Hour Project Trips total table (“Table”) shall be provided with each subsequent final site plan submittal on the cover sheet. CLOS-07-001 shall be updated to reflect this stipulation and any extensions previously approved by the Board of County Commissioners.

Should said “Table” reach or exceed the subject 857 trips, no further Final Site Plan shall be approved until the applicant submits a new traffic concurrency study to include appropriate mitigation as identified and accepted to the satisfaction of Manatee County (Public Works) or a Local Development Agreement (LDA) for the Project is approved by the Board of County Commissioners. After approval, a new revised Certificate of Level of Service will be issued based on the results of said traffic study or the terms of the LDA.

3. **Town Center and other Non-Residential Standards**

A. Except as specified in this condition, buildings within the Mixed Use Component (i.e., that area south of Broadway) shall be located substantially as shown on the Preliminary Site Plan, but may be shifted consistent with the overall village theme of development (which includes a main north/south internal drive with buildings fronting directly upon that drive and residential development within the village at time of FSP approval). Within the village area, no individual building shall exceed 65,000 square feet in gross floor area.

B. The architectural design of the buildings in the Mixed Use Area shall be substantially consistent with the elevations entered into the record at the hearing for PDMU-06-16 [Exhibit B of Ordinance PDMU-06-16(P)]. The buildings shall be designed with architectural features to replicate a small town, through the use of pitched roofs, bell towers, cupolas, staggered building fronts, and varied painted exteriors.

The buildings for the multi-family area, group care home, and independent living facility shall be consistent with the renderings entered into the record at this public hearing (Exhibit C).

C. All building facades visible from University Parkway, Broadway Avenue, and residential properties shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

The sides of all buildings shall have minimal blank walls no longer than 20 feet in length or 15' in height. In order to insure that the buildings do not project a massive blank wall, design elements shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting and different finish building materials, colors, etc.] or other methods, as approved by the Planning Director. Facades greater than 100 feet in length shall have variation in roof lines through varying the height of the cornice or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).

D. Hardscape features such as landscaped plazas shall be provided between buildings to create pedestrian seating areas and to break up the linear nature of the buildings.

E. Buildings 24, 25, and 37 adjacent to University Parkway shall not have the rear of the building facing University Parkway. Either Building 24 or 25 and Building 37 may be allowed to have a drive-thru on the side or rear of the building opposite University Parkway.

F. All roof mounted HVAC and mechanical equipment shall be screened from view from surrounding residential property and public rights-of-way. Screening shall be

provided by materials consistent with the construction of the exterior finish materials of the buildings.

- G. Loading areas, outdoor storage, dumpsters, and compactors shall not be located in front of any building and shall meet all setback requirements, unless they are not visible from any collector or arterial roadways or residential property. For determining visibility of the loading areas, the height of the overhead doors and trucks shall be considered.
- H. The following setbacks shall be required along University Parkway:

Building 37 (Bank, Restaurant, Retail)	40 feet
Buildings 24 & 25 (Restaurants)	140 feet (excluding screened in or outdoor seating area)
- I. All commercial buildings shall maintain a minimum front yard setback of 30 feet from Broadway Avenue, with the exception of the building adjacent to and southeast of the roundabout and any residential garages which would be allowed a 20' setback.
- J. All parking areas between Building 37 and the project entrance drive onto University Parkway shall be setback a minimum of 40 feet from University Parkway. All other parking areas adjacent to University Parkway shall be setback a minimum of 110 feet from University Parkway.
- K. Signs shall be restricted as follows:
 - (1) Signs along University Parkway shall be limited to one pole sign. Additional permitted signs shall be limited to ground signs. All signs 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.
 - (2) Signs shall be of a common theme and contain similar materials, to be determined and approved prior to the first Final Site Plan approval south of Broadway Avenue.
 - (3) Signs on Broadway Avenue shall be limited to ground signs, not to exceed a height of 8 feet.
 - (4) The maximum area of wall signs on buildings facing University Parkway and Broadway Avenue shall be one hundred (100) square feet for each business or establishment or one and one-half (1½) square feet per lineal foot of building frontage for each business or establishment, whichever is less.
- L. The design and shielding of any on-site lighting shall comply with Section 709.

- M. The landscape buffer along University Parkway, from the eastern property line to the first driveway; shall be at least 30' wide and contain an earthen berm a minimum of three feet (3') in height, as measured from the centerline or edge of pavement, whichever is lower adjoining University Parkway west bound travel lanes. This buffer shall be planted with two rows of canopy trees (3" caliper at least 12 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. This vegetation shall be clustered or adjusted to protect the canopy of the existing trees. The earthen berm shall be located adjacent to University Parkway. The design shall be coordinated with the University Commons project.
- N. The Mixed-Use component shall contain at least 20,000 square feet of office space.
- O. A landscaped buffer 10 feet in width with palm and evergreen understory trees spaced 30 feet on-center shall be located adjacent to the eastern wall of Building 38, as depicted on the attached building elevation (Exhibit C of Ordinance PDMU-06-16(P)). Landscape islands in the parking lot east of Building 38 shall be located to maximize the screening of the building from the adjacent multi-family development. Canopy trees planted in the portion of the perimeter buffer east of Building 38 shall be at least 5" caliper at time of planting and shall be evergreen trees.

An eight foot high solid wall similar in design to that constructed adjacent to the Oak Grove Subdivision, pursuant to Stipulation 4.E herein, shall be provided along the eastern property line extending 20 feet north of the northerly extension of the Building 38 loading zone drive or to the north side of the dumpster (whichever is further north) to 20 feet south of the Building 38 loading zone drive. The applicant may comply with this stipulation by replacing the 6 foot high wall or fence constructed on the western boundary of University Commons with an 8 foot high wall in said areas.

The main box of Building 38 shall not exceed 35 feet in height, except for architectural details and embellishments (as defined by the LDC) If Building 38 exceeds 26 feet in height, the Planning Director may require enhanced articulation on the east façade to mitigate the increased mass of this wall similar to those found on the rear of the lifestyle shopping center located at the northwest corner of Honore Avenue and University Parkway.

A minimum 5' wide sidewalk incorporating pronounced landscaping islands and trees adjacent to the sidewalk shall be provided between the village and Building 38 to promote pedestrian interaction.

- P. A 20 foot wide buffer shall be provided along the entire south side of Broadway Avenue.
- Q. A maximum of 100 multi-family residential units may be relocated from the multi-family section to the mixed use component.

- R. All deliveries and truck loading shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m.
- S. A minimum area of one-half acre of active recreational area shall be provided in the multi-family component of the project. This area may be located between multifamily buildings. If the active recreation area is located in a designated preservation area, all mature trees shall be preserved and all existing under-story vegetation shall be removed to allow active recreational activities. A ground cover appropriate for active recreational activities shall be installed and maintained.

Benches shall be installed and maintained adjacent to Lakes 9-12 in the multi-family component of the project. The portion of the trail in the multi-family component that is paved shall be constructed in compliance with ADA requirements. The area of the trail not paved shall be constructed with a permanent delineation. The benches shall be located along the trail.

- T. The maximum building height for Building 37 shall be 25 feet.

4. Residential Design Standards

- A. All driveways for the single-family attached units (non ILF) shall contain at least one parking space which does not block the space in the garage.
- B. Setbacks for the single-family detached and single-family attached units shall be:
 - Front: 20 feet
 - Side: 7.5 feet (single-family detached)
15 feet between buildings (single-family attached)
 - Rear: 15 feet (single-family detached)
15 feet (single-family attached, Blocks "A" and "E-M")
5 feet (single-family attached, Blocks "B-D")
- C. A minimum of 10 shade trees, a minimum of 3" caliper, shall be planted in each recreational area. Any existing trees which meet this size standard that are preserved in recreational areas may be used to satisfy this requirement.
- D. A 15 foot greenbelt shall be provided around the perimeter of the residential portion of the project. This shall be shown and approved with the Final Site Plan.
- E. Along Lots 4-20 and the recreational area, the landscaped buffer adjacent to the Oak Grove Subdivision shall be 30 feet wide and shall contain a wall which shall be 8 feet above grade as measured at the Oak Grove property line and be planted with two staggered rows of trees, one canopy and one under-story (3" caliper, 12' in height and 4' spread) with trees in each row spaced 40 feet apart. Landscaping shall be on the outside of the wall, provided, however, that one row

of canopy trees may be located on the inside of the wall. (Complete)

- F. A 30 foot wide setback shall be provided along the western boundary of the multi-family component. A landscape buffer (within this setback) along this property line shall be 30 feet wide and planted with two staggered rows of trees, one canopy and one under-story. The trees shall be 3" caliper, 12' in height, with a 4' spread spaced 40 feet apart in each row.
- G. Specific locations for sidewalks and mulch paths in the multi-family project shall be determined at time of Final Site Plan approval. At a minimum, sidewalks shall be on both sides of all drive aisles and parking areas unless an exception is granted by the Planning Department.
- H. The homes on the perimeter single-family lots adjacent to Oak Grove (Lots 4-20) shall be limited to one (1) story, with a maximum of 18' in height. Lots in the area of the site plan dated July 6, 2006 shown as Lots 4 - 20 shall be a minimum of 10,000 square feet. This may result in the loss of lots in this area.
- I. Concurrent with the construction of the infrastructure for the single-family section, a 5 foot wide sidewalk shall be provided along Tuttle Avenue in front of this project and extending northward to connect to the sidewalk at Copperfield. (Completed)
- J. The multi-family (Area One) component of the project shall provide the minimum number of off- street parking spaces as required pursuant to Section 710.1.6 of the LDC.
- K. A minimum six foot high fence shall be installed to the west of the recreation area containing a pool and club house between the single-family detached and single-family attached components of the project. The fence shall begin at the termination of the buffer wall adjacent to lot 4 of the single-family detached component of the project and extend to the corner of the property boundary lines and further extend along the north property line to the edge of the wetland. A gate which may be locked shall be provided in the fence to provide access to maintain the existing drainage facility on the abutting properties north of the project.
- L. Townhouses or single-family attached residences shall be a maximum of 2 stories; provided that the residences adjacent to the wetland may be 3 stories in height at the rear of the residences if these units are 2 stories in height as viewed from the front of the unit adjacent to the local street.
- M. In the event the Developer elects to proceed with Option "A" for Area III on The Option Site Plan a revised Final Subdivision Plat shall be approved by the County. Because of the reduced standards for the Independent Living units, the Independent Living Facility in Area V must have Final Site Plan approval prior to the revised Final Plat approval.

- N. The amenities for the Independent Living Facility in Area V shall be accessible to residents in the Independent Living Units in Parcel III.
- O. Prior to each Final Site Plan (or Final Plat) approval for the Independent Living Units, the applicant has agreed to enter into a land use restriction agreement to limit the proposed units to the classification for an ILF as defined in the Ordinance.

5. Environmental

- A. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a “Conservation Area”, as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
- B. The applicant shall install wetland information signs at representative sites within common areas readily viewed by residents. Wetland information signs are in addition to the “Conservation Area” signs required by Section 719.11.1.3.3. The signs shall explain the purpose, importance, and need for preserving wetlands and wetland buffers. The location and details of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
- C. The wetland buffer setback shall be a minimum of 15', except that multifamily buildings 2, 7, 13 14, and 17 and the four single-family attached buildings Blocks “B-D” shall have a minimum 5 ft. wetland buffer setback as shown on the PSP.
- D. Unless otherwise approved by Planning Department, native xeriscape landscape or drought tolerant materials shall be utilized in all common areas.
- E. The developer shall encourage individual homeowner’s to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners or homeowners if the area is to be platted as a condominium.
- F. Prior to Certificate of Occupancy/Final Subdivision Plat approval for each development phase, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
- G. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first certificate of occupancy issuance or final subdivision plat approval for each development phase, in accordance with Section 715.4 of the LDC.
- H. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department for

review and approval pursuant to Section 508.3.4.7.j. of the LDC. Final Site Plans, Construction Plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP.

6. General

- A. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) treated stormwater; and (2) non-potable quality groundwater. Prior to each Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those on individual lots.
- B. All street designations shall be approved by the County. Any waiver requests to utilize names must be approved by the Board of County Commissioners, except for Broadway Avenue.
- C. The trees that are proposed to be relocated off site shall be guaranteed by a performance security, consistent with Section 722.3.2 of the Land Development Code, for a period of one year. The trees which are relocated shall be identified as to their type, size, and area of replanting in an exhibit to the Performance Security. The performance security shall be based on replacement costs, as specified in the Manatee County Fee Schedule. For release of the Performance Security, a certification of a landscape architect stating the trees have survived shall be provided to the County. (Completed)
- D. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Final Site Plan as proposed to be removed, replaced, or relocated.

The minimum radius shall be protected:

- (1) Pines: dripline or 6', whichever is greater.
- (2) All other trees including hardwoods: 2/3 of the dripline or 6', whichever is greater.

Method of Erection

- (1) Minimum height of uprights: 3' (after being pounded into the ground), and no less than 2" x 4" lumber.
- (2) Uprights should have horizontal ribboning at the top and 12" below the top.
- (3) Uprights should be spaced at no more than 4'-5' intervals.
- (4) Horizontal members shall not be less than 1" x 2" lumber.

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall also be protected by a barricade during home construction.

- E. The Homeowner's Documents and Final Site Plan shall include notices to inform homeowner's of:
- (1) The mixed-use nature of the project, including commercial uses, in a number of phases; and
 - (2) The presence of an agricultural use on property to the west.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Specific Approval is hereby granted to allow an alternative parking design that was previously granted Specific Approval to Section 710.1.6 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is here by granted for a project that was previously granted Special Approval in the RES-6, MU, and ROR Future Land Use Categories. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

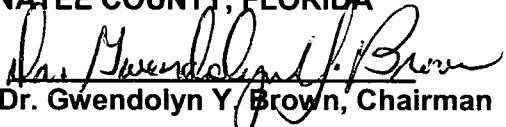
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 4th day of June, 2009.

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

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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



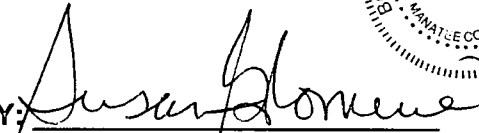
BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

From Official Records Book 1651, Pages 7947 - 7949 of the Public Records of Manatee County, Florida:

Begin at a concrete monument, marking the N.E. corner of the S.W. 1/4 of Section 32, Township 35 South, Range 18 East; thence N89°21'57"W. along the North line of said S.W. 1/4, 1066.67 feet; thence S00° 47' 41" W. East of, and more or less parallel to, a drainage ditch. 1339.35 feet to the intersection with the South line of the S.W. 1/4 of the N.E. 1/4 of the S.W. 1/4 of said Section 32; thence S89° 23; 52"E. along the South line of said S.W. 1/4 of the N.E. 1/4 of the S.W. 1/4, 400.56 feet to the S.E. corner thereof; thence N00° 23' 24"E. along the East line of said S.W. 1/4 of the N.E. 1/4 of the S.W. 1/4, 334.78 feet to the S.W. corner of the North 1/2 of the S.E. 1/4 of the S.W. 1/4 of said Section 32; thence S89° 23' 22"E. along the South line of the North 1/2 of said S.E. 1/4 of the N.E. 1/4 of the S.W. 1/4, 676.25 feet to the S.E. corner thereof; thence N00° 21' 05"E. along the East line of the S.W. 1/4 of said Section 32, 1004.07 feet to the Point of Beginning, being and lying in the N.E. 1/4 of the S.W. 1/4 of Section 32, Township 35 South, Range 18 East, Manatee County, Florida.

Also:

From Official Records Book 1121, Pages 2160-2161 of the Public Records of Manatee County Florida:

S 1/2 of SE 1/4 of NE 1/4 of SW 1/4, Section 32. Township 35 South, Range 18 East, Manatee County, Florida (5 acres)

Also:

From a Boundary Survey-by George F. Young, Inc. (Job-No.-992101110, dated 11/22/99

From the southwest corner of the southeast 1/4 of Section 32, Township 35 South, Range 18 East, run South 89° 36' 09" East, along the south line of said Section 32, a distance of 215.00 feet; thence North 00° 21' 17" East parallel to the west line of the southeast 1/4 of said Section 32, a distance of 274.64 feet; thence North 89° 36' 09" West parallel to the south line of said Section 32, a distance of 215.00 feet; thence North 00° 21' 17" East, along the west line of the southeast 1/4 of said Section 32, a distance of 2247.98 feet to the northwest corner of the southeast 1/4 of said Section 32; thence South 89° 37' 27" East, along the north line of the southeast 1/4 of said Section 32, a distance of 1191.71 feet; thence South 00° 34' 42" West, a distance of 1339.16 feet; thence South 10° 21' 33" West, a distance of 1184.13 feet to the north right-of-way line of County Line Road (Section 13001-2502); thence North 89° 36' 09" West. Parallel to the south line of said Section 32 and along said right-of-way line, a distance of 413.01 feet to the point of curvature of a curve to the left; thence westerly, along the arc of said curve to the left, having a radius of 5729.58 feet and a central angle of 03° 31' 37", a distance of

352.70 feet to the point of beginning. Lying and being in Section 32, Township 35 South, Range 18 East, Manatee County, Florida.

Less:

Land described in Official Records Book 1312, Page 1561, Public Records of Manatee County, Florida.

Less:

Land described in Official Records Book 1602, Page 6748, Public Records of Manatee County, Florida

Containing 56.699 acres.

Also:

From Official Records Book 1091. Pages 818-819 of the Public Records of Manatee County Florida:

The SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and Beginning at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and run thence West 2 $\frac{1}{2}$ chains; thence South 20 chains, thence East 2 $\frac{1}{2}$ chains, thence North 20 chains to Point of Beginning; and Begin at the NE corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and run thence West 2 $\frac{1}{2}$ chains, thence Southerly to a point 6 chains West of the SE corner of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence East 6 chains, thence North to the Point of Beginning; Also: Beginning at the SW corner of E $\frac{1}{2}$ of SE $\frac{1}{4}$ and run thence East 236 feet, thence North to a point on the North line of SE $\frac{1}{4}$ which is 230.6 feet East of the NW corner of E $\frac{1}{2}$ of SE $\frac{1}{4}$ thence West to the NW corner of E $\frac{1}{2}$ of SE $\frac{1}{4}$; thence South along the West line of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ to the of Beginning, also: Beginning at the NE corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence South for a distance of 25 feet; Thence West parallel to the North line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ to the East boundary of the land previously conveyed above, thence North along said boundary to the North line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, thence East to the Point of Beginning, All of the above land being in Section 32, Township 35 South, Range 18 East, in the County of Manatee and State of Florida, LESS land described in Official Record Book 964 Page 1144 for road right-of-way.

Also:

8028 Tuttle Avenue:

N $\frac{1}{2}$ of these $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ P- 8-1.

8058 Tuttle Avenue:

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, less parcel in SE cor 105 ft. N & S by 660 ft. E & W & less RD R/W P-10.

8090 Tuttle Avenue:

Com at SE cor of NE ¼ sec 32; th run W a dist of 660 ft to a pt; th N 105 ft to a pt; th E 660 ft. to a pt; th S 105 ft to the pob as desc OR 1178 P 1984 PRMCF.



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

June 16, 2009

FILED FOR RECORD
R. B. SHORE

2009 JUN 19 PM 1:04

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

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Ms. Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 11, 2009 and certified copies of Manatee County Ordinance Nos. 09-42, PDR-05-27 (P) and PDMU-06-16 (P) (R), which were filed in this office on June 15, 2009.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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