

**ORDINANCE 22-39 (f.k.a. 15-14)
ROBINSON GATEWAY DRI #29 (TBRPC DRI #271)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES, ON AN APPLICATION FOR AN AMENDED APPROVAL* FOR A DEVELOPMENT OF REGIONAL IMPACT (ORDNANCE 15-14); KATAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #271; TO APPROVE THE FOLOWING CHANGES TO MAP H AND THE DEVELOPMENT ORDER: 1) ADD 1,778 MULTI-FAMILY RESIDENTIAL UNITS; 2) REMOVE 320 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS; 3) REMOVE 500,000 SQUARE FEET OF COMMERCIAL RETAIL USES; 4) REMOVE 525,000 SQUARE FEET OF MEDICAL OR PROFESSIONAL OFFICE USES; 5) ADD 170,000 SQUARE FEET OF MEDICAL OFFICE USES; 6) ADD 52,361 SQUARE FOOT SURGICAL CENTER (CLINIC); 7) DECREASE HOTEL ROOMS FROM 350 TO 250; 8) REMOVE 1,750 MOVIE THEATRE SEATS; 9) ADD 120,000 SQUARE FEET OF MINI WAREHOUSE / SELF-STORAGE USES; 10) ADD A 207-BED HOSPITAL WITH HELIPAD; 11) MODIFY CERTAIN CONDITIONS CONSISTENT WITH CURRENT DEPARTMENTAL PRACTICES AND OTHER AMENDMENTS FOR INTERNAL CONSISTENCY; PROVIDING FOR DEVELOPMENT CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE ROBINSON GATEWAY DRI IS ON THE NORTH SIDE OF MOCCASIN WALLOW ROAD, EAST SIDE OF I-75 AND WEST SIDE OF CARTER ROAD AT 6730 AND 7350 MOCCASIN WALLOW ROAD, PALMETTO (MANATEE COUNTY), ON A 288± ACRE SITE IN THE MU (MIXED USE), UF-3 (URBAN FRINGE-THREE DWELLING UNITS PER ACRE) AND P/SP-1 (PUBLIC/SEMI-PUBLIC-1) FUTURE LAND USE CATEGORIES; CURRENT ZONING IS PDMU (PLANNED DEVELOPMENT MIXED USE); FILED BY MW GATEWAY DEVELOPMENT, LLC; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 20, 2010, MW Gateway Development, LLC submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA*) for 542 residential units; 900,000 square feet of retail; 600,000 square feet of office; 1,750 seat movie theatre and 350 hotel rooms; as legally described in Section 7, referred to as Robinson Gateway DRI, or the Project*; and

WHEREAS, on February 20, 2022, MW Gateway Development, LLC submitted a Notice of Proposed Change and application for amendment to the Development

of Regional Impact (DRI) for 2,000 residential units, 400,000 square feet of retail space, 75,000 square feet of office space, 120,000 square feet of self-storage, 250 hotel beds, 207 hospital beds and helipad, 52,361 square foot surgical center, and 170,000 square feet of medical-dental office space.

WHEREAS, the Project* is proposed i one phase with a buildout date of July 26, 2031 ;

WHEREAS, the described Project* lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Development Order for a DRI; and

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been adhered to and satisfied; and

WHEREAS, the Manatee County Planning Commission after due public notice, held a public hearing, as an advisory review board, on December 8, 2022, to consider the Robinson Gateway DRI and found the Robinson Gateway DRI to be consistent with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in this development order for DRI #29 (TBRPC DRI #271); and

WHEREAS, the Board of County Commissioners has received and considered the report and actions the Planning Commission, and the Planning Staff; and

WHEREAS, the Board of County Commissioners held a duly noticed public hearing on December 15, 2-22 Ordinance 22-39 and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Development Services Department and Manatee County Planning Commission.

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

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

- B. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to approve a Modified General Development Plan for the entire ±288-acre Project* by consideration of proposed Ordinance No. PDMU 15-04 (G)(R).
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and as it relates to the real property described in Section 7 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report of the Planning Commission was rendered on December 8, 2022, following a public hearing.
- D. The Board of County Commissioners held a public hearing on December 14, 2022, regarding Ordinance No. 22-39, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 15-17, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearings.
- E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, schools and drainage in compliance with state requirements and the Land Development Code.
- G. This Development Order is issued based on information provided by the Developer*; public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Division of the Development Services Department and ensures continued compliance with the Manatee County Comprehensive Plan.
- H. The real property which is the subject of Development Order is legally described in Section 7 of this Ordinance.
- I. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent and address for the Project* is Mr. Edward Vogler II 705 10th Avenue West, Suite 103, Palmetto, FL 34221.
- K. The current owner of the property and Developer* is MW Gateway Development, LLC, a Florida limited liability company.

- L. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the review confirmed that no net increase of intensity exists as reflected by no increase in the PM peak hour transportation trips.

SECTION 2. CONCLUSIONS OF LAW.

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
 - 2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), and the Manatee County Comprehensive Plan (as amended).
 - 3. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below
 - 4. The review by the County* and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

SECTION 3. DEVELOPMENT COMPONENTS:

- A. This Development Order approval shall constitute approval of the Robinson Gateway DRI subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- B. The Development is Specifically Approved subject to the conditions found within the Development Order and any certificates of level of service compliance which may be issued for all services, except potable water and sewer, which has been issued for the land uses listed and defined herein and in Zoning Ordinance PDMU-15-04(Z)(G)(R). Potable water and sewer and school concurrency will be reviewed at time of each Final Site Plan submittal.
- C. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of

such site plan application, as to such requirements which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.

- D. The build-out date for this Development Order is July 26, 2031.
- E. The expiration date for this Development Order is July 26, 2032.

TABLE 1: DEVELOPMENT TOTALS
PDMU-15-04(Z)(G)(R)

PDMU-15-04(G)(R)

	Residential (units)	Retail (sq. ft.)	Office (sq. ft.)	Hotel (rooms)	Self-Storage/Mini-Warehouse (Sq. ft.)	Hospital (beds)	Surgical Center (sq. ft.)	Medical Office (sq. ft.)
Total (2028)	2,000 Multi-Family	400,000	75,000	250	120,000	207 and helipad	52,361	170,000

SECTION 4. DEFINITIONS.

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan, and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- B. "Best Management Practices*" shall mean the method or combination of methods determined after problem assessment and 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 may 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. "County*" shall mean Manatee County, a political subdivision of the State of Florida.

- D. "Developer*" shall mean MW Gateway Development, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Project* and all conditions of approval.
- E. "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.
- F. "Funding Commitment*" shall mean projects funded for construction in the current year plus one of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within three years.
- G. "Master Drainage Plan*" shall mean a plan showing 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 this 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; and
 - 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- H. "Project*" shall mean the land uses by area, square footage, density, and phase to be constructed on the real property described in Section 7 herein..
- I. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential structures or the reconstruction or addition to any structure. "Vertical Development" shall not mean nor be deemed to include the construction of any new structure or the reconstruction or addition to any structure specifically for the use of the existing or future agricultural operations.

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

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

SECTION 5. DEVELOPMENT CONDITIONS:

THE ROBINSON GATEWAY DRI IS SPECIFICALLY APPROVED FOR DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Transportation.

- A.(1) Robinson Gateway DRI development traffic will have significant and adverse impacts on the regionally significant transportation facilities listed in Table A(1), Transportation Improvements. In accordance with Section 163.3180(5)(h)(1), Florida Statutes, and as necessary to mitigate the Project* impacts, the Developer* shall construct or pay the Proportionate Share of each required Improvement prior to Project development approvals generating trips equal to or greater than the corresponding Project Trip Threshold. The contribution or construction of the proportionate share of the following roads or facilities shall be deemed sufficient to accomplish one or more mobility improvements that benefit a regionally significant transportation facility, and shall fully satisfy the transportation concurrency requirements of the Comprehensive Plan and the requirements for mitigation of the Project* transportation impacts. Except for Developer* proportionate share as set forth herein, the Developer* shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

In accordance with Section 360 of the Land Development Code, the applicant has applied for a Certificate of Level of Service Compliance (CLOS) in conjunction with this DRI DO. The term of the CLOS shall be determined based on the amount of development to occur within the CLOS, and the schedule of required improvements set forth in Table A(1), to provide the applicant with a reasonable time to complete the anticipated required improvements. The applicant may satisfy concurrency pursuant to and in accordance with Section 163.3180, Florida Statutes.

Table A(1). Transportation Improvements

No.	Road	Location/Limits	Improvement	Project Trip Threshold	Proportionate Share
1	Moccasin Wallow Rd	I-75 northbound ramps to 0.25 mi east of Buffalo Rd	Widen from four lanes to six lanes	2,541	75.2%
2	Moccasin Wallow Rd	0.25 mi east of Buffalo Rd to 0.25 mi east of Carter Rd	Widen from two lanes to four lanes	This improvement is included in the intersection improvement at Moccasin Wallow Road at Carter Road.	... ¹
3	Moccasin Wallow Rd	intersection at U.S. 41	Construct a separate westbound left turn lane (for total of one)	2,463	62.2%
4	Moccasin Wallow Rd	at I-75 northbound ramps	Install traffic signal control	2,760	27.3%
5	Moccasin Wallow Rd	at project Driveway #1 aligning with Buffalo Rd	Construct a separate southbound left turn lane (for total of one), southbound right turn lane (for total of one), eastbound left turn lane (for total of two). Construct additional eastbound through lane (for total of three) and additional westbound through lane (for total of three) consistent with Improvement No. 1 of this table. See condition A(9).	2,167	100.0%
6	Moccasin Wallow Rd	intersection at Carter Rd	Construct a separate southbound left turn lane (for total of one). Construct additional eastbound through lane (for total of two) through the intersection tapering to one eastbound through lane 0.25 mi east of the intersection consistent with Improvement No. 2 of this table.	1,751	62.7%
7	Moccasin Wallow Rd	intersection at U.S. 301	Construct a separate eastbound left turn lane (for total of one)	2,315	66.3%
8	U.S. 301	intersection at S.R. 62	Construct a separate westbound left turn lane (for total of one)	2,760	50.1%
9	Moccasin Wallow Rd	at project Driveway #2, approximately 0.20 mi east of Buffalo Rd	Construct separate eastbound left turn lane (for total of one), westbound right turn lane (for total of one), and southbound right turn lane (for total of one). Construct additional eastbound through lane (for total of two) and westbound through lane (for total of two), consistent with Improvement No. 2 of this table.	2,523	100.0%
10	Carter Rd	at project Driveway #3, located on Carter Rd	Construct separate northbound left turn lane (for total of one), eastbound left turn lane (for total of one), and eastbound right turn lane (for total of one).	2,968	100.0%

1. This improvement is included in the proportionate share calculation at the intersection of Moccasin Wallow Road & Carter Road

A.(2) With each Final Site Plan application, the Developer shall submit to the County a permitting summary which addresses the following:

1. The total land use quantities proposed by the submitted final site plan, plus all land uses previously approved with prior final site plans, to demonstrate consistency with the Development Order; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.

A.(3) At the time of submittal of a proposed Final Site Plan for fifty percent (50%) of the approved density and intensity of the Project*, the Developer* shall complete a transit analysis to determine whether public transit is required at that time. In the event that the transit analysis establishes the need for public transit at that time, the Developer shall work with Manatee County

Area Transit (MCAT) on identifying a potential transit stop(s) within or along the perimeter of the Project*. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.

- A.(4) The Developer shall provide roadway and pedestrian connections to perimeter roads and community open space/park sites.
- A.(5) There shall be bicycle or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.
- A.(6) The Developer* shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project*, unless otherwise approved by the County.
- A.(7) Solely to the extent required by law, a biennial monitoring program will be started upon the issuance of the first building permit for uses which exceed fifty percent (50%) of the earliest Project* Trip Threshold set forth in Table A(1). This biennial monitoring report will continue until buildout. The biennial reports shall provide information for the Project* regarding the total development which has been permitted and its equivalent in trips, and shall project the development/trips anticipated for the next two years.

Prior to commencing the biennial monitoring, if required, the Developer* shall submit a monitoring methodology and plan showing the proposed locations of the counts to Manatee County for review and approval. The monitoring program at a minimum shall consist of one 2-hour pm peak hour (4 pm to 6 pm) directional counts, with subtotals at 15-minute increments at all Project* entrance driveways with public roadway connections. The sum of the Project* driveway trips will be totaled in 15-minute increments and the highest four consecutive 15-minute totals will be summed to determine the project's total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Project*. The biennial monitoring shall be conducted during the peak season (February to April) and a maximum of 60-90 days prior to the Biennial Report submittal date unless otherwise approved by Manatee County.

- A.(8) Based on the findings of the traffic impact analysis, the following site-related improvements (Improvement No. 5 of Table A(1)) are necessary at the project driveway aligning with Buffalo Road at Moccasin Wallow Road:
- Southbound left turn lane

- Southbound right turn lane
- Second eastbound left turn lane
- Third eastbound through lane
- Third westbound through lane.

Prior to design and construction of the intersection improvements, the applicant shall submit a visibility and operational analysis for all approaches of the proposed Moccasin Wallow Road at Buffalo Road/Project Access intersection. The analysis shall be prepared consistent with a methodology that has been reviewed and approved by Manatee County Public Works. The purpose of the analysis shall be to evaluate the overall operations and safety of the intersection to also include recommended location, recommend lanes and alignment of each approach, and evaluation of the interaction of traffic flows between the intersection and adjacent intersections. The recommendations of the approved analysis shall be implemented in the design of the intersection, and improvements shall be the subject of a binding executed contract for construction or completed prior to or concurrent with the final site plan that includes the driveway connection.

A.(9) The Developer shall receive impact fee credits for non-site related improvements in accordance with Chapter 11 of the Land Development Code and applicable law”.

A.(10) A Land Use Equivalency Matrix is proposed for the project.

- The Land Use Equivalency Matrix (LUEM) allows trade-offs of approved land uses thorough conversion rates. The conversion rates presented are based on pm peak hour trip generation factors. The LUEM is attached as an exhibit to this ordinance.
- LUEM also has developed minimums and maximums that guarantee the reasonableness of these conversion rates to preserve a healthy balance on land use diversity. If the development exceeds minimums and maximums, the LUEM shall be reviewed for reasonableness of the conversion rates by means of a traffic study.
- To preserve the mixed-use nature of the development, a mix of at least three different land uses will be developed with a maximum residential density of 3,000 dwelling units and a minimum non-residential intensity of 250,000 square feet, which includes hospital floor area.

- In seeking approval of a specific Land Use Exchange, the applicant shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase or subphase.
- Upon application of LUEM at final site plan, an updated land use tracking table indicating the exchange of units or square footage and corresponding increase or decrease of total unit counts and/or square footage by land use type shall be provided. For mixed-use developments, traffic assignment at project driveways may need to be in evaluated, and right-in/right-out connections may be approved.
- The applicant must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts more than those previously approved, the applicant may be granted approval for that excess if, and when, capacity is available. However, reapplication shall not cause the applicant to lose the capacity already approved for the Project.
- If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

Vegetation, Wildlife, and Wetlands

- B.(1) As committed, the applicant shall employ 30' or 25' buffers to preserve and protect the off-site wetlands from direct and secondary impacts.
- B.(2) The Project* does not include wetland areas. But, in the event any such wetland areas exist from time to time, the Developer* shall preserve and protect all wetland areas in accordance with the Manatee County Comprehensive Plan and LDC.
- B.(3) Prior to any clearing or construction activities, updated wildlife surveys shall be conducted by experienced wildlife biologists in accordance with established U.S. Fish and Wildlife Service survey protocols.
- B.(4) In the event that any state-or federally-listed species are discovered breeding on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.

- B.(5) Littoral shelves shall be designed to provide enhanced water quality management as well as forage habitat for wood storks and other wetland-dependent species.
- B.(6) Nuisance and exotic plant species shall be removed from the project site during site development. A plan shall be developed to address how the preserved areas will be maintained free of nuisance and exotic species. The Plan shall be submitted to Manatee County for approval and included in the first biennial report.
- B.(7) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
- B.(8) As committed, the Applicant shall maintain a prudent fencing program to separate the agricultural business operations from the development areas through buildout.
- B.(9) The Developer* shall provide an updated study, consistent with Policy 3.3.2.1 of the Manatee County Comprehensive Plan, for threatened and endangered plant and animal species prior to each Final Site Plan approval. Management Plans, permits or other authorizations approved by the appropriate State or federal agency, shall be provided to Manatee County for any listed species found on-site, prior to Final Site Plan approval.
- B.(10) Prior to each Preliminary Site Plan approval, an evaluation for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), shall be performed by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation and mitigative measures shall be subject to the approval of Manatee County. Copies of a remediation and mitigation plans along with the approvals by appropriate State or Federal agencies shall be provided to the Planning Department. All remediation and mitigation activities shall be completed prior to commencement of construction. If applicable, a remediation plan shall be reviewed and submitted for approval to Manatee County.

Soils

- C.(1) Best Management Practices or appropriate methods, shall be employed during site preparation and construction to prevent soil erosion.

Air Quality

- D.(1) Best Management Practices* shall be employed during site preparation and construction to minimize air quality impacts.

Water Quality and Stormwater Management

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to ensure the quality of the discharge and to meet or exceed the requirements for development within the Frog Creek Drainage Basin. Upland habitat adjacent to the wetland system shall be created and preserved in wetland buffers to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices*, including those which prevent construction-related turbidity.
- E.(3) The Developer* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(4) Native plant species shall be incorporated into the landscape design to the greatest extent practicable.
- E.(5) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(6) The applicant shall conduct any required remediation of chemical contaminants prior to construction.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers, or natural resources of regional significance.
- E.(8) A separate storage facility, from the surface water management system, is encouraged for sanitary reclaimed water use.
- E.(9) The Developer* shall submit a Surface and Groundwater Quality Monitoring Plan for the Robinson Gateway DRI for review and approval by the County prior to approval of the first Preliminary Site Plan. A copy of this Plan shall also be provided to the Southwest Florida Water Management District, who will submit technical assistance comments to Manatee County as part of the review and approval process. Approval of the Surface and Groundwater Quality Monitoring Plan will be subject to the following conditions:

- Protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to Manatee County.
- Baseline monitoring shall be completed prior to the commencement of any construction activities with the exception of those construction activities that may be required to implement the monitoring plan.
- Manatee County may require the monitoring plan to be modified should the land use change significantly or should the baseline monitoring reveal exceedances that would merit additional monitoring measures.
- If monitoring activities do not begin in a timely manner, Manatee County may require the monitoring plan to be modified accordingly.
- All surface and groundwater monitoring results shall be included with the respective Biennial Report to be submitted for the project.

E.(10) The Developer shall implement resident education advocating surface water protection (i.e., proper use of fertilizers and pesticides).

E.(11) Low impact development techniques are encouraged to be used throughout the development. These techniques shall include, but are not limited to, the following:

- Retention of the maximum amount of existing native vegetation;
- Shallow vegetated swales in areas where practical, including parking;
- Appropriate Florida-friendly plant selections;
- Small, recessed garden areas throughout landscaped areas;
- Porous pavement and other pervious pavement technologies;
- Stabilized grass areas for overflow parking; and
- Stormwater reuse.

Specific requirements for implementation of these and/or other techniques, if any, shall be stipulated in the accompanying Zoning Ordinance.

E.(12) Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions

of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan shall prevent Manatee County from issuing any further site plan approvals.

- E.(13) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report through project buildout.

Historical and Archaeological Sites

- F.(1) If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the Project* site area, the Project* should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The applicant, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at 850.245.6333 or 800.847.7278, as well as the appropriate agency office. Division of Historical Resources. Project activities should not resume without written authorization from the Division of Historical Resources.

In the event that unmarked human remains are encountered during Project*-related activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

Water

- G.(1) Water conservation for the Project* shall be pursued pursuant to Section 373.227, Florida Statutes.
- G.(2) The Developer* shall be required by Manatee County ordinances, to extend potable water service or utilize the existing potable water infrastructure constructed onsite for the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- G.(3) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or

nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.531, Florida Administrative Code.

- G.(4) Assurance of adequate water supply capacity to serve the project and identification of the entity(ies) responsible for maintenance of the water supply systems within the project site shall be provided for within the Development Order. This would include the necessity for adequate water supply for fire-fighting.
- G.(5) The project shall utilize the lowest quality water allowable and available for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. The Developer shall coordinate with the County Utility Department for the use of reclaim water within the project to the extent reclaim water is a reliable quality, quantity. Prior to Final Site Plan approval the applicant shall specify the source of irrigation on the site plan.
- G.(6) The Developer* has committed to the following:
- Development of a long-term plan to optimize potable and non-potable water resource use in the development;
 - Use of xeriscaping or Florida-Friendly Landscaping [SWFWMD];
 - Prohibit use of in-ground Manatee county public water supply for irrigation purposes;
 - Incorporate ecologically viable portions of the existing native vegetation to the extent practicable with no irrigation required or used; and
 - Provide water conservation educational materials to all residents and tenants.
- G.(7) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(8) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(9) Irrigation time clocks shall be reset after the establishment period for new landscaping has expired.
- G.(10) Florida-friendly landscaping principles shall be used throughout the development.
- G.(11) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the extent practicable and shall

not be irrigated.

- G.(12) Water conservation educational materials shall be provided to all residents and tenants of the development.

Wastewater

- H.(1) Approval of the project shall include assurance of adequate wastewater treatment capacity as well as any developer provision(s) of any improvements to the internal wastewater collection system. Future biennial reports shall contain an updated summary of utility service commitments.
- H.(2) No permanent septic tanks shall be installed on the Robinson Gateway site. In addition, abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable materials.

Solid Waste

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer* shall be required by Manatee County ordinances, to extend solid waste service to the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- J.(1) Greenways, nature trails, parks, environmentally-sensitive features, open space, and recreation facilities shall be maintained by the Developer* or successors such as a Home Owners Association, Property Owners Association, CDD, other legal entity and/or as directed by the permitting agencies, unless otherwise approved by the County.

Police, and Fire

- K.(1) The Developer should apply and promote the use of the National Fire Protection Agency's "Firewise" principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems.

Hurricane Preparedness

- L.(1) The Developer* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

Energy

- N.(1) The Developer* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.
- N.(2) The developer shall work with TECO/Peoples Gas, or other similar provider, to encourage the availability of natural gas within the Project*.
- N.(3) The Developer* shall enter into a separate agreement with FP&L relative to Contribution in Aid of Construction in order for FP&L to provide service.
- N.(4) The FP&L Easement shall be relocated and/or any development that may be proposed within the FP&L easement shall be consistent with the property owner's easement rights.

Floodplains

- O.(1) Any development within the 100-year floodplain shall include full compensation for the loss of flood storage capacity.
- O.(2) Floodplain management strategies shall be employed to prevent erosion, retard runoff, and protect natural functions and values.
- O.(3) All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.

SECTION 7. LEGAL DESCRIPTION:

DESCRIPTION: PARCEL A

FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST, RUN N 41°28'32" W, A DISTANCE OF 53.73 FEET TO THE POINT OF BEGINNING ALSO BEING THE INTERSECTION OF THE MAINTAINED WESTERLY RIGHT OF WAY LINE FOR CARTER ROAD AND THE NORTHERLY MAINTAINED RIGHT OF WAY LINE FOR MOCCASIN-WALLOW ROAD; THENCE WESTERLY ALONG SAID MAINTAINED RIGHT OF WAY LINE THE FOLLOWING THREE (3)

COURSES: (1) N 89°32'34" W, A DISTANCE OF 2626.93 FEET; (2) THENCE N 89°32'02" W, A DISTANCE OF 297.01 FEET; (3) THENCE N 30°04'41" W, A DISTANCE OF 34.29 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL NO.111 SECTION 13075-2406, STATE ROAD NO. 93-A (I-75); THENCE N 89°33'38" W ALONG SAID DEEDED RIGHT OF WAY LINE, A DISTANCE OF 547.10 FEET; THENCE N 01E00'06" E, A DISTANCE OF 2461.38 FEET; THENCE S 89°32'51 E ALONG THE SOUTH LINE OF THE NORTHERLY 2821.6 FEET OF SECTION 15, A DISTANCE OF 3499.72 FEET; THENCE S 01°15'15" W ALONG THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF CARTER ROAD, A DISTANCE OF 2491.21 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 199.43 ACRES.

DESCRIPTION: PARCEL C

COMMENCING AT THE S.W. CORNER OF SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE N 01°01'39" E, ALONG THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 106.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 01°01'39" E, ALONG SAID WEST LINE, A DISTANCE OF 1144.95 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF I-75; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FOUR COURSES: (1) N 39°48'44" E, A DISTANCE OF 308.17 FEET; (2) THENCE N 50°11'06" W, A DISTANCE OF 96.00 FEET; (3) THENCE N 39°48'44" E, A DISTANCE OF 788.64 FEET; (4) THENCE N 40°57'29"E, A DISTANCE OF 486.57 FEET, THENCE S 89°32'27"E, A DISTANCE OF 874.15 FEET; THENCE S 01°00'06" W, A DISTANCE OF 2461.38 FEET TO THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FIVE COURSES: (1) N 89°33'38" W, A DISTANCE OF 782.90 FEET; (2) THENCE N 00°26'22" E, A DISTANCE OF 30.00 FEET; (3) THENCE N 89°33'38" W, A DISTANCE OF 600 FEET; (4) THENCE N 85°07'10" W, A DISTANCE OF 103.31 FEET; (5) THENCE N 89°33'38" W, A DISTANCE OF 313.54 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 15, TOWNSHIP 33, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 88.52 ACRES, MORE OR LESS.

SECTION 8. RESTRICTIONS ON DOWN-ZONING:

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the condition underlying the approval of the Order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County* to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County* to down-zone or alter the density of the Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. NOTICE OF RECORDING:

The Developer* shall record a notice of adoption of this Order, as required pursuant to Chapter 380, Florida Statutes, and shall furnish Manatee County with a copy of the recorded notice.

SECTION 12. SEVERABILITY:

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all

remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE:

This Ordinance, Ordinance 22-**, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal.

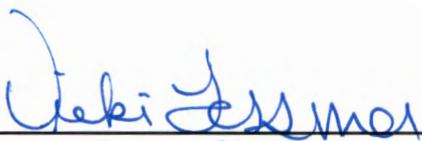
ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 15th DAY OF DECEMBER 2022.



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

BY: 
Kevin Van Ostenbridge, Chairman

**ATTEST: Angelina "Angel" Colonnese
Clerk of the Circuit Court**

BY: 
Deputy Clerk

Attachments to Ordinance 22-39 (f.k.a.15-14)

Exhibit A – Map H

Exhibit B – Land Use Equivalency Matrix (LUEM)

Exhibit "B"

Land Use Trip Equivalency Matrix - Robinson Gateway

A. LAND USE EQUIVALENCY RATES									
CHANGE FROM	CHANGE TO	Shopping Center/Retail (1,000 SF)	General Office Building (1,000 SF)	Multi-Family Residential Mid-Rise (DU)	Hotel (Room)	Hospital (Bed)	Hospital (1,000 SF)	Medical - Dental Office Building (1,000 SF)	Mini-Warehouse (1,000 SF)
Shopping Center/Retail (1,000 SF)		--	2.3611	8.7179	5.7627	2.0118	3.9535	0.8651	22.6667
General Office Building (1,000 SF)		0.4235	--	3.6923	2.4407	0.8521	1.6744	0.3664	9.6000
Multi-Family Residential Mid-Rise (DU)		0.1147	0.2708	--	0.6610	0.2308	0.4535	0.0992	2.6000
Hotel (Room)		0.1735	0.4097	1.5128	--	0.3491	0.6860	0.1501	3.9333
Hospital (Bed)		0.4971	1.1736	4.3333	2.8644	--	1.9651	0.4300	11.2667
Hospital (1,000 SF)		0.2529	0.5972	2.2051	1.4576	0.5089	--	0.2188	5.7333
Medical-Dental Office Building (1,000 SF)		1.1559	2.7292	10.0769	6.6610	2.3254	4.5698	--	26.2000
Mini-Warehouse (1,000 SF)		0.0441	0.1042	0.3846	0.2542	0.0888	0.1744	0.0382	--
B. SOURCE INFORMATION AND DOCUMENTATION FOR EQUIVALENCY RATES									
Land Use	Units	Net, New Trip Rate [1]	Trips / Unit						
Shopping Center/Retail (ITE 820)	1 (1,000 SF)	3.40	3.40 (1,000 SF)						
General Office Building (ITE 710)	1 (1,000 SF)	1.44	1.44 (1,000 SF)						
Multi-Family Residential Mid-Rise (ITE 221)	1 (DU)	0.39	0.39 (DU)						
Hotel (ITE 310)	1 (Room)	0.59	0.59 (Room)						
Hospital (ITE 610)	1 (Bed)	1.69	1.69 (Bed)						
Hospital (ITE 610)	1 (1,000 SF)	0.86	0.86 (1,000 SF)						
Medical-Dental Office Building (ITE 720)	1 (1,000 SF)	3.93	3.93 (1,000 SF)						
Mini-Warehouse (ITE 151)	1 (1,000 SF)	0.15	0.15 (1,000 SF)						
C. FOOTNOTES									
[1]: Trip Rate based upon ITE Trip Generation, Eleventh Edition, p.m. peak-hour trip generation rates as follows:									
Shopping Center/Retail	Obtained using the Trip Generation rate for ITE 820.								
General Office Building	Obtained using the Trip Generation rate for ITE 710.								
Multi-Family Residential Mid-Rise	Obtained using the Trip Generation rate for ITE 221.								
Hotel	Obtained using the Trip Generation rate for ITE 310.								
Hospital	Obtained using the Trip Generation rate for ITE 610.								
Medical-Dental Office Building	Obtained using the Trip Generation rate for ITE 720.								
Mini-Warehouse	Obtained using the Trip Generation rate for ITE 151.								



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 16, 2022

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 22-39, which was filed in this office on December 16, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra