

#45

DEVELOPMENT ORDER

CITY OF BRADENTON DEVELOPMENT ORDER NO. 75-

LET IT BE KNOWN that pursuant to Section 380.06(7), Florida Statutes, the City Council of the City of Bradenton, at a public hearing held on the 7th day of May 1975, has heard the application for development approval for Spoonbill Bay, a development of regional impact consisting of a residential Planned Development Project of 1,512 dwelling units to be located in Bradenton, Manatee County, Florida.

Pursuant to Section 380.06 and after due consideration of the consistency of this development with regulations, including but are not limited to the zoning ordinances of the City of Bradenton, the comprehensive land use plan and the long range planning goals of the City of Bradenton and consideration of the regional report, (copy attached as Exhibit 1), this body took the following action:

Approval of the proposed Spoonbill Bay development, subject to the following conditions:

1. The developer shall initiate a positive program for the long run protection of the ecologically important undeveloped areas of the site. Proposed methods of implementing this condition shall be reported from time to time by the project developer to the City Planning Director.

2. The responsibility for maintenance of the retention lakes shown on the approved plan shall rest with the developer provided the developer may, at the appropriate time in its development program, turn over maintenance responsibility to a community association membership in which shall include all owners of units in the project. The developer shall provide in its condominium declaration, or by other appropriate legal instruments, for assessment and collection of maintenance fees relating to maintenance of such lakes.

3. The applicant shall work in consultation with the State Division of Archives, History and Records Management to insure the protection and preservation of the two sites of historical and archeological significance found on the project site. Protection of the Indian Mound area shall be by deed, dedication, or other appropriate legal instrument to insure that such sites are preserved in perpetuity.

4. As a matter of cooperation in attempting to achieve community planning goals, the developer is encouraged to provide a minimum of 5% of the proposed dwelling units to sell at or below a price of \$30,000 per unit. The developer is authorized to adjust this recommended base price on the basis of any regularly recognized cost of living index to be applied to the July 1975 base figure. The developer shall report his intentions and progress in this regard from time to time to the City Planning Department.

5. With respect to responsibility for roadway improvements outlined in the transportation section of the DRI report:

(a) The City has been advised that the ultimate responsibility for four laning Manatee Avenue lies with the Florida Department of Transportation (see attached Exhibit 2).

(b) The developer shall furnish free of cost to the Florida Department of Transportation (DOT) such additional right of way as is needed along developer's Manatee Avenue frontage to carry out this four laning program. In event the right of way width has not been established by DOT by 1 July 1977, developer may convey to the DOT any land owned by developer lying within 75 feet of the existing Manatee Avenue roadway lying adjacent to developer's property in satisfaction of this condition.

(c) At such time as DOT recommends, the developer shall pay the cost of installation and equipment for a traffic light to be installed at the main entrance to the Spoonbill

Bay project. Coordination for this work shall be through the City Planning Department and DOT.

(d) To further reduce traffic impact of the project, no residential development as originally proposed by the developer will be carried out on the westerly peninsular of the developer's property. (Area shown on attached Exhibit 3). Total number of residential units as proposed shall be reduced by 15% from 1,778 units to 1,512 units, all to be located on the easterly peninsula.

(e) Roadway improvements to Manatee Avenue proposed by the developer shall be completed before commencement of phase IV of the project.

6. Any significant deviation from the terms of this development order and the plans submitted by the developer in the DRI application (except as herein modified) shall cause a termination of all development activity and a retriggering of the DRI process, provided, that with respect to the timing of the various phases of construction activity the City concludes that such timing will be largely governed by the real estate market and housing demand which, based on today's market, will likely cause a deviation in the developer's estimate of time required to build out the project. Any rate of progress less than that indicated in the DRI occasioned by conditions over which the developer has no control, e.g., the real estate market, shall not be a cause for retriggering the DRI process. In fact, the developer is urged to phase the project over a longer period of time than that projected in the DRI application so as to make the impact on community facilities more gradual, provided however, that if the final phase of the project has not commenced by July 1, 1985 this development order shall be considered terminated and all development activities hereunder terminated unless the project is resubmitted at that time for reapproval as then provided by law.

7. Developer shall furnish at no cost to City not less than one acre site to accommodate governmental services that will be generated by the development, e.g., fire, police, etc. Site location shall be subject to approval of both parties.

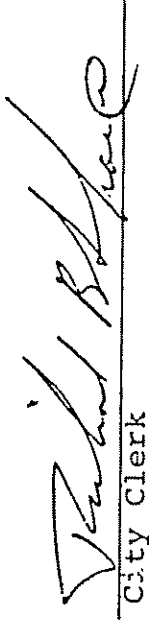
8. This approval shall not be construed to be a waiver of any City of Bradenton requirements for other necessary permit procedures, plat approvals, building permits or similar matters provided by ordinances of the City of Bradenton.

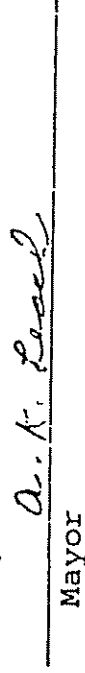
9. Copies of this order are to be sent to the Department of Administration, Tampa Bay Regional Planning Council, Sutton-Manatee Associates and Dewey A. Dye, Jr., attorney for the developers.

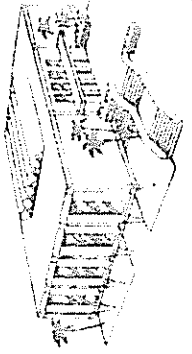
10. This order is subject to appeal within thirty days as provided in Section 380.07(2), Florida Statutes.

Approved at a regular meeting of the City Council of the City of Bradenton, Florida, held on the 28th day of May, 1975.

ATTEST:


City Clerk


Mayor



CITY OF BRADENTON

BRADENTON, FLORIDA

813/748-0800

CALLER SERVICE 25015
33506-5015

March 26, 1987

Sheila Benz, Director of Planning
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: **Spoonbill Bay DRI Amendment**

Dear Sheila:

For your records we are enclosing the amended development order for **Spoonbill Bay (Perico Bay)**. The amendment was approved on March 11 with the conditions discussed with Tampa Bay Regional Planning Council and the Department of Community Affairs.

The City also added a condition that a hurricane evacuation plan will be required for the congregate living facility and nursing home at the time their site plan is submitted for approval.

Sincerely,

Margaret J. Swanson
Chief of Planning and Zoning

SC 964-1227

MJS:tu

cc: Wayne Rasmussen
Perico Bay Club

George Baldwin
City Clerk

RECEIVED
CITY OF BRADENTON
PLANNING DEPARTMENT
MAY 1 1987

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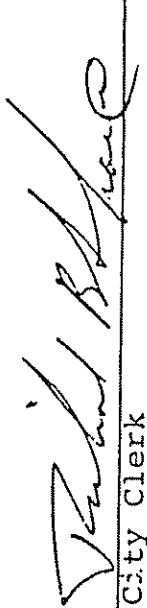
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