

ORDINANCE-98- 48 - GULF COAST FACTORY SHOPS

Request Determination of whether the proposed modifications to **amend Transportation Conditions affecting roadway improvements to 60th Avenue East** for the Gulf Coast Factory Shops DRI Development Order constitutes a Substantial Deviation pursuant to Section 380.06, Florida Statutes. Located on the east side of I-75, approximately 200 feet north of U S 301 Present zoning PDMU (Planned Development Mixed Use) (65.03± acres)

<u>App Received:</u>	08/31/98	<u>D.R.C.:</u>	09/11/98
<u>P.C.:</u>	11/05/98, 12/03/98	<u>B.O.C.C.:</u>	11/17/98, 12/15/98

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025(3), Florida Administrative Code, I move to **ADOPT** the findings that the proposed NOPC modifying the Gulf Coast Factory Shops DRI as approved by the Board **does not constitute a Substantial Deviation and ADOPT Manatee County Ordinance-98- 48, replacing in its entirety Ordinance 97-78, as recommended by the Planning Commission.**

(COMMISSIONER STEIN)

PLANNING COMMISSION ACTION:

On November 5, 1998, by a vote of 6-0, the Planning Commission **CONTINUED** the public hearing for this request to December 3, 1998 at the request of the applicant.

On December 3, 1998, by a vote of 6-1, the Planning Commission recommended **ADOPTION** of the findings that the proposed NOPC **does not constitute a Substantial Deviation and recommended ADOPTION of Ordinance 98-48. Reason for nay vote: Mr. Sayers was concerned that this approval would not solve access problems for other property owners.**

BOARD OF COUNTY COMMISSIONERS ACTION:

On November 17, 1998, by a vote of 7-0, the Board of County Commissioners **CONTINUED** the public hearing for this request to December 15, 1998.

PUBLIC HEARING COMMENTS/CORRESPONDENCE:

There was no public comment at the November 5, 1998 Planning Commission and November 17, 1998 Board of County Commissioners public hearings.

At the December 3, 1998 Planning Commission public hearing, Mr. A. G. Gershoni spoke about his concern for access to his property at 5712 20th Street East. A letter from Mr. Gershoni was submitted for the record.

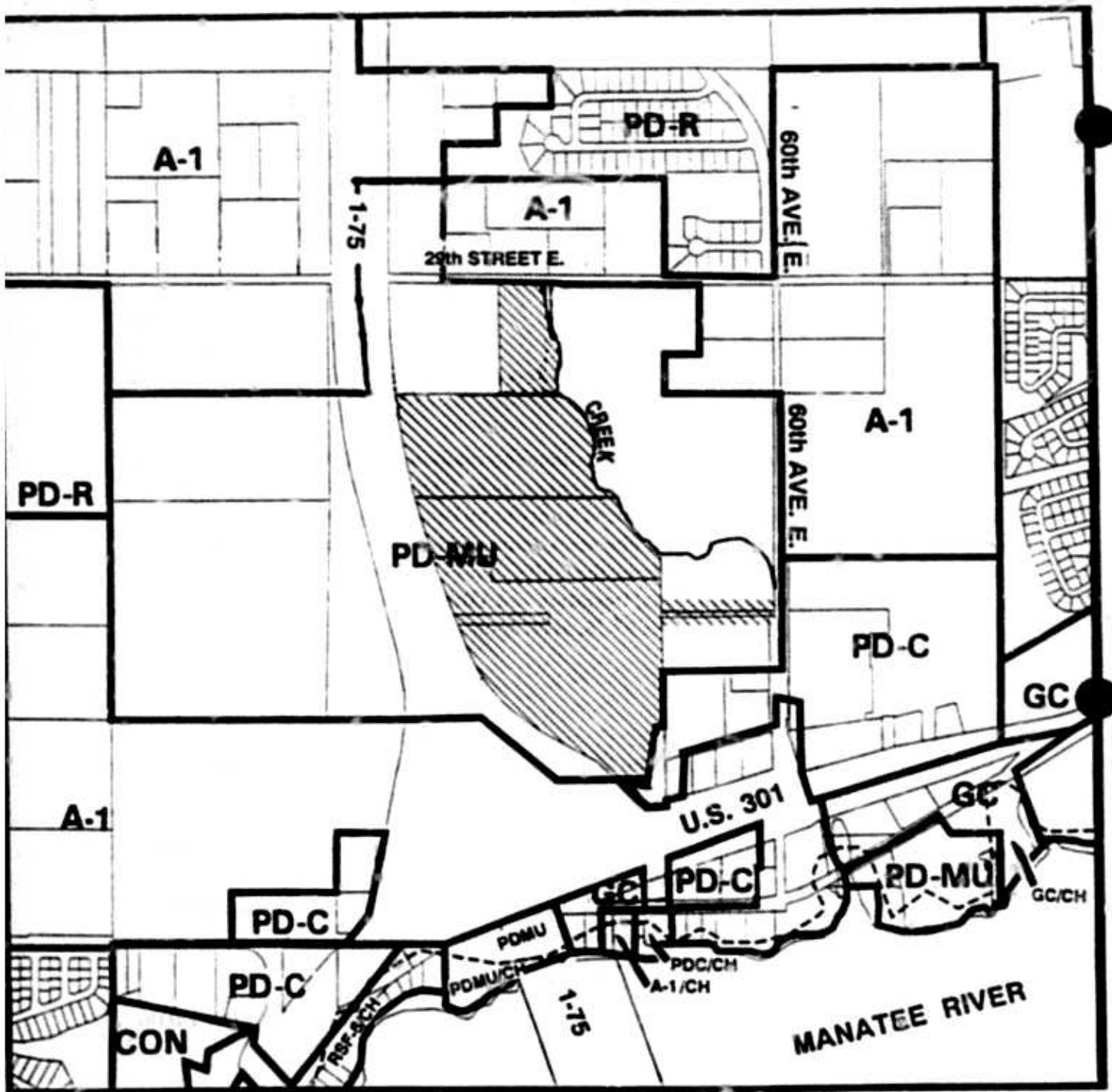
APPROVED IN OPEN SESSION

DEC 15 1998

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

377


32.



Project Number: DRI 23 ORD. 96-48
 Proposed Use: ADDITION TO MALL
 Existing FLUC: MU
 Existing Zoning: PD-MU
 Proposed Zoning: N/A
 Acreage: 63.95
 Flood Zone: C
 Drainage Basin: N/A
 Commissioner: STEIN
 Map Prepared: 378 4/4/97
 Requested By: GULF COAST FACTORY SHOPS, LIMITED PARTNERSHIP, INC.
 Section: D Township: 34 Range: 18

Tax I.D.: 81270005
 81271000
 81400000
 81271005

**Manatee County
 Staff Report Map**
 1 inch = 820'

 Subject Property



CASE SUMMARY

CASE NO.: Ordinance 98- 48 (DRI #23)

APPLICANT: Gulf Coast Factory Shops

REQUEST: Determination of whether the proposed modifications to **amend Transportation Conditions affecting roadway improvements to 60th Avenue East** for the Gulf Coast Factory Shops DRI Development Order constitutes a Substantial Deviation pursuant to Chapter 380.06, Florida Statutes

STAFF RECOMMENDS: APPROVAL with Limited Concerns

PRIMARY REVIEWERS

Bob Pederson (PD) Compatibility, Health, Safety and Welfare, Consistency with LDC and Comp Plan

Al Wallace (PD) Impacts to Infrastructure (Utilities)

Jerome Gostkowski (PD) Impacts to Infrastructure (Transportation)

Bill O'Shea (EMD) Environmental Resource Impacts

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- To the NORTH is vacant land approved for a 113,000 square foot ice skating arena.
- To the SOUTH are retail commercial uses zoned PDC.
- To the EAST is an orange grove zoned PD-MU.
- To the WEST is I-75.

REQUEST: (bp)

The request is to amend Transportation Conditions affecting roadway improvements to 60th Avenue East. A request to approve the Gulf Coast Factory Shops DRI Zoning Ordinance is being processed concurrently with this request.

History:

On 12/16/97, the Board approved a DRI and General Development Plan to allow a 633,681 square

foot manufacturer's outlet center on 65.03 acres. Prior to this approval, 363,681 square feet of the center was constructed pursuant to previous approvals. The 1997 approval was for an additional 270,000 square feet, to be constructed in two subphases consisting of 150,000 (Phase 1-A) and 120,000 (Phase 1-B) square feet. Project buildout is January 30, 2001. The first subphase has received Final Site Plan approval and has been constructed.

Traffic impacts were the most significant issue identified when the General Development Plan was processed. The project was identified as having an impact on several regionally significant highway facilities within the primary impact area. The Development Order and Zoning Ordinance specified the following roadway improvements as part of Phase 1-A construction:

- Dual I-75 left turn off-ramps at U.S. 301,
- Left-turn lanes on U.S. 301 at the intersection of 60th Avenue East, and
- Various roadway improvements to 60th Avenue East between U.S. 301 and the intersection of Factory Shops Boulevard. At least 50 percent of these improvements were to be completed prior to the issuance of a Certificate of Occupancy for Phase 1-A.

Based upon improvements to I-75 off-ramps and U.S. 301, the applicant received a Certificate of Level of Service Traffic until January 30, 2001 for the entire development.

A second project in the area, The Igloo Skating Facility, was approved to allow a 113,500 square foot, 1,200 seat skating arena, immediately north of Gulf Coast Factory Shops. As a condition of this project's approval, 60th Avenue East has to be extended northward to Mendoza Road. Construction of this extension must have begun prior to issuance of a temporary Certificate of Occupancy for the Igloo Facility. The Igloo Facility has received Final Site Plan approval and construction has begun and the target date for completion is mid-January. Roadway improvements to the extension of 60th Avenue East are anticipated to commence in early January and take 6 weeks to complete.

Proposed Amendments:

This proposed amendment will allow the developer to provide an escrow of the funds necessary to complete the specified improvements to 60th Avenue East, prior to Certificate of Occupancy of Phase 1-A. The need for this amendment is due to the discovery that inadequate right-of-way was available on 60th Avenue East to construct the required improvements in a manner originally anticipated. The R.O.W. width is typically 70-80 feet, however it narrows to 50 near the intersection of 20th Court East. The standard width of a travel lane is 12 feet.

The original request was to modify condition B(3) which would have allowed that the applicant, in lieu of commencing stipulated improvements to 60th Avenue East, to provide a cash collateral account for the cost of making improvements to 60th Avenue East. If the County acquired additional right-of-way, by January 1, 2001, then the developer would construct the required improvements to 60th Avenue East. Otherwise, the developer would pay the balance of impact fees attributed to Phase 1-A.

On October 6, 1998 the Board of County Commissioners was presented with an item by the Planning Department to determine whether they wished to undertake construction of the 60th Avenue East improvements after additional right-of-way was acquired. The Board determined that the improvements

should be done within the existing right-of-way without required sidewalks along 60th Avenue East. In order to maximize the transportation improvements, with the possibility of sidewalks being added when right-of-way is acquired which would allow their installation. The applicant has redesigned the roadway to accommodate the widest possible lanes within the existing right-of-way.

The other roadway improvements have been completed as required.

ANALYSIS OF REQUEST

The applicant has posted an escrow account to assure the completion of the improvements. This is consistent with the action the Board of County Commissioners took in October. Staff does not concur with the proposed Condition B(6) to add after acquired property to be creditable against impact fees because it is inconsistent with the Land Development Code.

Condition B(3)c

The improvements to 60th Avenue East were required to address traffic congestion. Staff recommends that proposed condition B(3)c be modified to require that the improvements to 60th Avenue East be completed prior the commencement of Phase 1-B. This is consistent with the Board action in October, 1998.

Condition B(6)

Condition B(3)c already contains a provision which allow impact fee credits in accordance with Section 806 of the Land Development Code.

CONSISTENCY WITH SECTION 380.06, FLORIDA STATUTES

Section 380.06(19)(e)3, Florida Statutes states that any change not specified in paragraph (b) and (c) shall be presumed to be a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

This proposed amendment will allow the developer to fund an escrow account in lieu of making any of the specified improvements to 60th Avenue East prior to any Certificates of Occupancy. The reason for this amendment is due a delay in construction caused by unavailability of adequate right-of-way to maximize the required improvements.

Pursuant to their letter dated, September 21, 1998, the Tampa Bay Regional Planning Council found that the requested changes did not constitute a substantial deviation.

The Department of Community Affairs, in a letter dated September 4, 1998, found that the requested changes did not constitute a substantial deviation.

POSITIVE ASPECTS OF THE APPLICATION

- **The improvements will be of a safer design than originally proposed.**

- **The specified roadway improvements to the I-75 off-ramp and the U.S. 301 left-turn lanes have been completed.**
- **60th Avenue East will be completed to alleviate long-standing traffic problems at this location.**
- **Adequate R.O.W. was not available to construct the improvements as originally contemplated.**
- **The applicant will redesign the roadway to accommodate the widest possible lanes within the existing right-of-way.**
- **Construction will be completed prior to the issuance of building permits for Phase 1-B.**

NEGATIVE ASPECTS OF APPLICATION

- **Additional traffic impacts will be allowed to occur prior to the commencement of roadway improvements to 60th Avenue East.**

MITIGATING FACTORS

- **Staff recommends that prior to the issuance of any building permits for Phase 1-B, all required improvements to 60th Avenue East will be completed.**
- **Staff recommends the deletion of the applicant's proposed Condition B.(6).**

PROPOSED CONDITION CHANGES AS RECOMMENDED BY STAFF AND AGREED TO BY THE APPLICANT:

- B(3) As part of Phase 1-A construction, the developer shall
- a Construct the widening of the I-75 left turn off-ramps at U.S. 301 (two lanes and approximately 200 feet in length or a length approved by FDOT). Improvements shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A. This improvement shall be fully creditable against impact fees, in accordance with Section 806 of the Manatee County Land Development Code.
 - b Construct extensions of the length of the existing dual eastbound left-turn lanes on U.S. 301 at the intersection of 60th Avenue East. Construction shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A. Contributions which are made by this developer for this improvement shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code.
 - c Make the following improvements, within ~~County~~ the right-of-way owned by the County as of the date of the Agreement and Escrow Agreement between Gulf Coast Factory Shops Limited Partnership, the County, and Chicago Title Insurance Company as Escrow Agent,

dated October 16, 1998, to 60th Avenue East in accordance with the plans attached hereto as Exhibit 2, prior to the issuance of any Building Permit for Phase 1-B, prior to Certificate of Occupancy of Phase 1-A. The Planning Director shall allow the developer to post a bond for uncompleted or ongoing improvements at time of C.O. provided at least 50 percent of the improvements have been completed.

- i. Extend the dual southbound right turn lanes on 60th Avenue East at U.S. 301 an additional 500 feet (700 feet total). Provide dual southbound right turn lanes on 60th Avenue East at U.S. 301 to the extent allowable by existing right of way.
- ii. At the intersection of 60th Avenue East and Factory Shops Boulevard
 - (1) Provide dual northbound left-turn lanes from 60th Avenue East to Factory Shops Boulevard
 - (2) Extend the northbound 60th Avenue East thru lane north of the intersection and then provide a taper back to a two lane road. Reconstruct the bridge as needed. Provide appropriate pavement markings and taper within the existing pavement for northbound traffic at 60th Avenue East and Factory Shops Boulevard.
 - (3) Signalize the intersection of 60th Avenue East and Factory Shops
- iii. Provide a raised median in 60th Avenue East, north from U.S. 301 to 20th Court East or as far as adequate right-of-way permits
- iv. Provide a left turn lane for northbound 60th Avenue East to 20th Court East

The Developer shall post an escrow account sufficient to cover the improvements to 60th Avenue East prior to the issuance of Certificates of Occupancy for Phase 1-A. Upon the establishment of the escrow account, the cost of these improvements shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code, except for the signal referenced in B(3) c ii (3). The Developer has established the required escrow account.

THE FOLLOWING NEW STIPULATION IS PROPOSED BY THE APPLICANT, HOWEVER NOT RECOMMENDED BY STAFF:

B(6). The costs of the required improvements which exceed the impact fees attributable to Phase 1-A shall be fully credited against the impact fees for Phase 1-B and any further expansion of the Project.

ATTACHMENTS:

- 1 Development Review Committee Comments
- 2 Ordinance-98-48
- 3 Letter from DCA
- 4 Letter from TBRPC

DRC REVIEW COMMENTS

DATE: September 9, 1998

PROJECT NAME: GULF COAST FACTORY SHOPS

PLANNING NUMBER: PDMI-97-01(G)(R)

PLANNER: Luppino **REVIEW ENGINEER:**

COMMENTS:

Branning / Mayer

No comments.

Earlth , Andruzwi

Dumpster service will be provided by area waste hauler.

Jones

No additional right-of-way required at this time.

Aliff / Lilly

No plans attached.

PUBLIC WORKS DEPARTMENT



MEMORANDUM

DATE: September 11, 1998

TO: Norm Luppino, Principal Planner
Planning Department

FROM: William C. O'Shea, Environmental Manager *WCO*
Environmental Management Department

SUBJECT: **Development Review Comments**
Gulf Coast Factory Shops PDMU-97-01(G)(R)

The Environmental Management Department has reviewed the above referenced revised General Development Plan, and offers the following comments:

It is our understanding that this submittal is to address roadway improvements only. We therefore have no comments to offer at this time.

If you have any questions or comments, please call me at extension 5980.

WCO:hs

cc: Douglas D. Means

NORTH RIVER FIRE DISTRICT

1225 14th AVENUE WEST PALMETTO, FLORIDA 34221

Phone (941) 721-6700 SunCom: 516-4543 Fax: (941) 721-6701

August 27, 1998

GC600

Mr. Norm Luppino, Principal Planner
Manatee County Planning & Zoning
P.O. Box 1000
Bradenton, FL 34206

Re: PDMU-97-01 Gulf Coast Factory Shops

Dear Mr. Luppino:

I have reviewed the captioned and have no objections.

If you have any questions or if I may be of further service, please do not hesitate to contact me.

Very truly yours,

Darrell L. Riker
Darrell L. Riker
Fire Marshal

DLR:trw

Norm

MANATEE COUNTY HEALTH DEPT.
410 6th Ave. E., Bradenton, FL. 34208
ENVIRONMENTAL HEALTH SERVICES DEVELOPMENT REVIEW COMMENTS

DATE: 08/28/98 PROJECT NO: DRI#23/PDMU-97-01
PROJECT NAME: Gulf Coast Factory Shops

- XX 1. County Water - County Sewer.
- ___ 2. Permit for Water Distribution System is required prior to start of construction.
- ___ 3. Permit for Water Treatment Plant is required prior to start of construction.
- ___ 4. County Water - Private Package Sewage Treatment Plant.
- ___ 5. County Water - Septic Tank.
- ___ 6. Private Well - Septic Tank.
- ___ 7. On-Site Sewage disposal system of adequate size currently being utilized.
- ___ 8. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material (permit required from Manatee County Health Dept. unless permitted by County Public Works).
- ___ 9. Size, type and location of septic system shall be based on site survey, soil log and plan review conducted by this department or a Florida Registered Engineer.
- ___ 10. 75 feet separation between private potable well and septic system.
- ___ 11. 100 feet separation required between limited use public potable well and the septic system.
- ___ 12. 100 feet separation required between public potable well and the septic system.
- ___ 13. Any existing wells to be located, the casing extended above existing grade, marked and capped for future use.
- ___ 14. When lake water is utilized for landscape irrigation, a separate color-coded irrigation system shall be installed & written information stating that "the water is not for human consumption" shall be provided to the residents.
- ___ 15. All wells in the area to be developed/excavated shall be identified by the engineer of record and plugged with neat cement from bottom to top by a Florida Licensed Well Driller prior to development or excavation.
- ___ 16. All requirements of Chapter 64E-11 shall be met prior to approval/licensure as a public food service establishment.
- ___ 17. Any food service, e.g., coffee sales, requires installation of a three-compartment sink and separate hand washing sink.

- ___ 18. Adequate sanitary facilities shall be provided on a business per business basis.
- ___ 19. Adequate sanitary facilities shall be/have been provided for employees/patrons
- ___ 20. Any food service facility for the consumption of food on the premises shall have a urinal in the men's room, in addition to the toilet and hand washing sink.
- ___ 21. Adequate sanitary facilities, e.g., portable toilets, shall be provided for employees.
- ___ 22. Inspection and approval is required from Dept. of Agriculture and Consumer Services, Bureau of Food & Meat Inspection, Lab Complex M-A, 3125 Conner Blvd., Tallahassee, Fl. 32399-1650, Ph: 904-488-3951 or 1-800-435-7352.
- ___ 23. Inspection and approval is required from Dept. of Business & Professional Regulations, Restaurant Program, 4100 Center Pointe Dr., Suite 107, Ft. Myers, Fl. 33916, Ph: 813-278-7355 or 1-800-226-7359.
- ___ 24. A properly sized grease interceptor of not less than 750 gallon capacity shall be located external to the structure.
- ___ 25. Dumpster unit shall be located on a curbed and elevated concrete pad, sloped to a drain, equipped with a grit interceptor with a removable bucket, connected to sanitary sewer, and equipped with a hose bibb on site.
- ___ 26. Industrial wastes are to be handled in accordance with all Federal, State, and Local Regulations.
- ___ 27. A grease-grit interceptor shall be provided.
- ___ 28. Waste water from car wash shall be handled as specified by Manatee County Environmental Management Department.
- ___ 29. Fuel tanks shall be registered with the Department of Environmental Protection and comply with Chapters 17-761 and 17-762, F.A.C.
- ___ 30. To facilitate handling and maintenance, dumpster shall be placed on concrete pads, the locations to be reviewed by Manatee County Public Works Dept.
- ___ 31. Disposal of biohazardous/biomedical waste shall be in accordance with Chapter 64E-16.
- ___ 32. Florida Administrative Code requires adequate sanitary facilities be provided in recreational areas.
- ___ 33. Swimming pools shall meet the standards in Chapter 64E-9.
- ___ 34. All requirements of Chapter 10M-12, F.A.C., shall be met prior to licensure as a Day Care Center.

- 35. Inspection and approval required from Health Care Administration, 7827 N. Dale Mabry, Tampa, FL, prior to licensure, (e.g., nursing homes, ACLF's) 813-975-4255.
- 36. Inspection and approval required from Department of Children & Families, 353 6th Ave. West, Bradenton, FL, 34205, Phone number 941-741-3240.
- 37. Aircraft hangers: There will be no mechanical work performed at the location, nor retail sales.
- 38. A hair strainer shall be provided in the sink.
- 39. Water, sewer, and sanitary facilities are not required in electronic switching stations with no permanent or part-time employees.
- 40. Rezone: This acres to be rezoned to . Future use of the property shall conform to all aspects of the Florida Administrative Code with respect to sanitary sewage disposal and water supply.
- 41. Additional Comments: Future use of this property shall conform to all aspects of the Florida Administrative Code regarding sanitary sewage disposal and potable water supply.

Signed:



Gary Cochran
Environmental Specialist II

(DRC)

ORDINANCE NO. 98- 48

GULF COAST FACTORY SHOPS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA), FILED BY GULF COAST FACTORY SHOPS LIMITED PARTNERSHIP FOR GULF COAST FACTORY SHOPS, A DEVELOPMENT OF REGIONAL IMPACT, DRI #23; ALSO KNOWN AS DRI #229; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; REPLACING ORDINANCE 97-78; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 13, 1997 the Gulf Coast Factory Shops Limited Partnership, developers of Gulf Coast Factory Shops submitted a Development or Regional Impact (DRI) Application for Development Approval (ADA) for a 633,681 square foot manufacturer's factory outlet center on 65.06 acres, as legally described in Section 6, hereinafter referred to as Gulf Coast Factory Shops DRI, or the Project; and

WHEREAS, the described project lies within the unincorporated area of Manatee County, and

WHEREAS, 363,681 square feet of the manufacturer's factory outlet center has been lawfully developed and occupied pursuant to provisions of: a Binding Letter of Interpretation (BLID 892-009) issued by the Florida Department of Community Affairs (DCA) on May 29, 1992; the Manatee County Comprehensive Plan and Land Development Code; and other regulatory agency permitting requirements; and

WHEREAS, the Board of County Commissioners, on December 16, 1997, approved Ordinance 97-78, which granted local approval to DRI No. 23, Gulf Coast Factory Shops, and

WHEREAS, the Developers of Gulf Coast Factory Shops have proposed to amend Transportation Conditions B(3) and B(6) of the Development Order to modify the requirement to make roadway improvements to 60th Avenue East.

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 an ADA the NOPC for an amendment to an approved DRI, and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been adhered to and satisfied; and,

WHEREAS, the Manatee County Planning Commission has reviewed the ADA and Sufficiency Responses NOPC, and filed a recommendation held a public hearing on the ADA said NOPC with the Board of County Commissioners; and

~~WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC); and~~

~~WHEREAS, the Board of County Commissioners held duly noticed public hearings on November 25, 1997 and December 16, 1997~~ November 17, 1998 and December 15, 1998 ~~on the ADA~~ said NOPC 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 Planning Department

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS THE 15th DAY OF DECEMBER, 1998, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, ~~ADA (as amended and with their sufficiency responses)~~ NOPC, the recommendation and findings of the Planning Commission, and all other matters presented to the BOCC 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 The Developer has received State, County, and other regulatory approvals for and has lawfully completed 363,681 square feet of development on the site, consistent with the Manatee County Comprehensive Plan and Land Development Code
- C An application has been submitted to Manatee County and is being processed concurrently with this ~~ADA~~ NOPC ~~to rezone a portion of the tract from A-1 to PDMU~~ and to approve a revised General Development Plan for the entire 65 acre project.
- D The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and the ~~application of Official Zoning Atlas Ordinance~~ Amendment as it relates to the real property described in Section 6 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report was rendered on December 3, 1998, following a public hearing.
- E The BOCC held public hearings on ~~November 25, 1998 and December 16, 1997~~ November 17, 1998 and December 15, 1998 regarding the ADA and the proposed Official Zoning Atlas Amendment, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, 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 hearing.
- F Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- G That, based upon the traffic analysis prepared, submitted and approved pursuant to the requirements of the traffic methodology meeting and Chapter 380.06 F.S., this project is not projected to cause or create any adverse impacts (excluding a 5% contribution to the

acceptable LOS capacity of any regional roadway in the impact area and cause a LOS capacity degradation to below the acceptable LOS) to any regional roadway

- H. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, and drainage in compliance with state requirements.
- I. This amended Development Order is issued based on information provided by the Developer in the ADA (as amended and their sufficiency responses), and NOPC, public hearing testimony, data information and recommendations provided by the Planning Commission and Planning Department, and ensures continued compliance with the Manatee County Comprehensive Plan. Subject to the Development Order Conditions listed in Section 4, the County has determined that adequate Levels of Service exist for the existing 363,681 square feet of development and that adequate Levels of Service exist until January 30, 2001, for the 270,000 square feet expansion, for each of the subject categories listed in 1.F., above.
- J. The real property which is the subject of this ADA and Development Order application is legally described in Section 6 of this Ordinance.
- K. The existing and proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes
- L. The authorized agent for Gulf Coast Factory Shops Limited Partnership is Margaret-Ray Kemner, 215 South Monroe Street, Suite 815, Tallahassee, Florida 32301.
- M. The Owners of the property which Gulf Coast Factory Shops Limited Partnership intends to develop are Gulf Coast Factory Shops Limited Partnership and I.M.G. Enterprise, Inc.
- N. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Board of County Commissioners, TBRPC, and DCA in conjunction with the ADA, sufficiency responses, the NOPC, and this Development Order, and Ordinance 97-78.

SECTION 2. CONCLUSIONS OF LAW.

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area
- B. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- C. The Development is consistent with the report and recommendations of TBRPC issued on October 13, 1997 regarding the ADA and sufficiency responses and on September 21, 1998 regarding this NOPC.

- D. These proceedings have been duly conducted pursuant to applicable laws 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.
- E. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order and the ADA, as amended, and this NOPC. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this Development Order is included as Table 1.
- F. Pursuant to Paragraph 380.06(19), Florida Statutes, the changes proposed Pursuant to the NOPC submitted on August 18, 1998 and approve pursuant to Ordinance 98-48, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

SECTION 3. DEFINITIONS.

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Gulf Coast Factory Shops Limited Partnership's DRI ADA submitted on March 13, 1997 and sufficiency responses submitted on June 2, 1997 and July 22, 1997 and the NOPC submitted on August 18, 1998.
- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- D. "Conservation Area" shall mean areas as defined by TBRPC.
- E. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- G. "Developer" shall mean Gulf Coast Factory Shops Limited Partnership, its heirs, assigns, designees, agents, and successors in interest as to the Gulf Coast Factory Shops DRI.

- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County, or
 2. actual construction; or
 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase, or
 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Conditions B (3), (4), and (5) shall also constitute a funding commitment.
- I. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- J. "Master Development Plan" shall mean Map H, attached as Exhibit 1 and incorporated by reference.
- K. "Owner" shall mean Gulf Coast Factory Shops Limited Partnership and I M G Enterprise, Inc. its heirs assigns, designees, agents, and successors in interest.
- L. "Preservation Area" shall mean areas as defined by TBRPC.
- M. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- N. "Warranted" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- O. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

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 4. DEVELOPMENT CONDITIONS.

AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #23 (TBRPC DRI #229)

The previous Development Order for Gulf Coast Factory Shops, which was adopted on December 16, 1997 (Ordinance 97-78), is hereby amended by this Ordinance, as follows:

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1) This Development Order approval shall constitute approval of the ADA and NOPC subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below
- A(2) 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 which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- A(3) The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of Level of Service until January 30, 2001.
- A(4) The ADA and sufficiency responses are hereby incorporated by reference

TABLE 1

TYPE OF DEVELOPMENT: Manufacturer's factory outlet center and ancillary uses
LOCATION: Northeast of the intersection of I-75 and U.S. 301
TOTAL DEVELOPMENT AMOUNTS *:

Type	Existing Amount	I A Addition	I B Addition	Total Amount	Total Acres
Parking	1,818 spaces	850 spaces	600 spaces	3,168 spaces **	17.00
Retail Development	363,681 sf	150,000 sf	120,000 sf	633,681 sf	11.10
Ancillary Uses ***					26.54
Retention					9.80
Ditch					62
Open Space					18.14
Build-out		12-31-98	1-30-2001		

- * Land use acreages may vary slightly based upon final engineering details and design. Placement of buildings may vary upon final design.
- ** Includes a parking garage to be constructed concurrently with the last 120,000 square feet of building, unless additional land is added to the site with appropriate approvals.
- *** Ancillary uses include courtyards, walkways, landscaped areas, service maintenance areas, signage areas, etc.

TRANSPORTATION CONDITIONS.

- B(1) The Developer has provided for a bus stop at a location within the project. The provision of this bus stop meets all requirements for Transportation System Management actions required by the reviewing agencies.
- B(2) Effective upon the approval of this Ordinance Ordinance 97-78, a biennial monitoring program to provide weekend peak-hour counts at the project entrance shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded. The Monitoring shall have commenced and have been reviewed by the Manatee County Planning Department prior to the issuance of any building permits for Phase 1-B. In addition, turning movement counts at 60th Avenue East and U.S. 301 shall be included. Counts will continue through build-out, plus an additional 6 years (three monitoring periods). This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer of reviewing agencies to request Development Order amendments.

If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B(3) As part of Phase 1-A construction, the developer shall

- a. Construct the widening of the I-75 left turn off-ramps at U.S. 301 (two lanes and approximately 200 feet in length or a length approved by FDOT). Improvements shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A. This improvement shall be fully creditable against impact fees, in accordance with Section 806 of the Manatee County Land Development Code.
- b. Construct extensions of the length of the existing dual eastbound left-turn lanes on U.S. 301 at the intersection of 60th Avenue East. Construction shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A. Contributions which are made by this developer for this improvement shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code.
- c. Make the following improvements, within ~~County~~ the right-of-way owned by the County as of the date of the Agreement and Escrow Agreement between Gulf Coast Factory Shops Limited Partnership, the County, and Chicago Title Insurance Company as Escrow Agent, dated October 16, 1998, to 60th Avenue East in accordance with the plans attached hereto as Exhibit 2, prior to the issuance of any Building Permit for Phase 1-B prior to Certificate of Occupancy of Phase 1-A. The Planning Director shall allow the developer to post a bond for uncompleted or ongoing improvements at time of C-O provided at least 50 percent of the improvements have been completed:
 - i. ~~Extend the dual southbound right turn lanes on 60th Avenue East at U.S. 301 an additional 500 feet (700 feet total). Provide dual southbound right turn lanes on 60th Avenue East at U.S. 301 to the extent allowable by existing right of way.~~
 - ii. At the intersection of 60th Avenue East and Factory Shops Boulevard
 - (1) Provide dual northbound left-turn lanes from 60th Avenue East to Factory Shops Boulevard.
 - (2) ~~Extend the northbound 60th Avenue East thru lane north of the intersection and then provide a taper back to a two-lane road. Reconstruct the bridge as needed. Provide appropriate pavement markings and taper within the existing pavement for northbound traffic at 60th Avenue East and Factory Shops Boulevard.~~
 - (3) Signalize the intersection of 60th Avenue East and Factory Shops Boulevard.

- iii Provide a raised median in 60th Avenue East, north from U S 301 to 20th Court East or as far as adequate right-of-way permits
- iv Provide a left turn lane for northbound 60th Avenue East to 20th Court East

The Developer shall post an escrow account sufficient to cover the improvements to 60th Avenue East prior to the issuance of Certificates of Occupancy for Phase I-A. Upon the establishment of the escrow account, the cost of these improvements shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code, except for the signal referenced in B(3) c ii (3). The Developer has established the required escrow account.

- B(4) 60th Avenue East shall be constructed as a two lane paved road, north from the current termination to Mendoza Road. Construction shall be completed prior to the first Certificate of Occupancy for Phase I-B. Contributions which are made by this developer for this improvement shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code.
- B(5) The applicant shall prepare and implement a Transportation Systems Management (TSM) program that will divert a number of vehicle trips from the PM peak hour consistent with the assumptions used to prepare the ADA. The TSM program shall be submitted with the first DRI annual report following approval of the Development Order Ordinance 97-78. The TSM program shall be developed in cooperation with Manatee County, the Florida Department of Transportation (FDOT), the Sarasota Manatee MPO, and TBRPC and reviewed by those same organizations

The TSM program shall include a biennial assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. The monitoring shall begin within one year of any portion of the unbuilt portion being occupied and continue for at least six years past buildout of the project. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

ENVIRONMENT AND NATURAL RESOURCES.

Air Quality and Land

- C(1) Manatee County shall reserve the right to require mitigation measures or a revision of the General Development Plan to alleviate potential impacts of the project on ambient air quality. Manatee

County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project

- C(2) The Developer shall comply with applicable requirements of the Florida Department of Environmental Protection's air quality regulations prior to construction of any parking garage
- C(3) The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented. The measures to reduce erosion, fugitive dust and air emissions referenced on pages 15-3 and 22-1 of the ADA, at minimum, shall be implemented

Water Quality, Wetlands, and Drainage

- D(1) Final drainage plans shall be consistent with Master Surface Water Management Plans, ERP, or MSSW permits issued by the Southwest Florida Water Management District (SWFWMD). The existing 363,681 square feet of development is acknowledged to have complied with all applicable surface water and drainage permitting and construction requirements.
- D(2) A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.
- D(3) The Developer* shall be responsible for operation and maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D(4) There are no Conservation Areas*, or Preservation Areas* on the site. A 30 foot wetland buffer from the ordinary water level of the drainage ditch along the northeast boundary of the site shall be maintained. This drainage ditch may be rerouted or encased within a culvert with the consent and approval of applicable regulatory agencies. The setback area shall be modified in conjunction with any rerouting or encasement of the drainage ditch.
- D(5) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. and 40D-4 Rules of the SWFWMD.

Floodplain

- E(1) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E(2) No discharges to groundwater shall be permitted on-site.

ECONOMICS.

- F(1) The Gulf Coast Factory Shops shall promote entrepreneurship and small and minority-owned business start up, and encourage non-discriminatory employment opportunities.

WILDLIFE HABITAT AND VEGETATION.

- G(1) In the event any species listed in Rule 39-27.003 through 39-27.005, FAC are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC) and Manatee County EMD. This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

- H(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with DHR and Manatee County. Treatment of such resources must be completed before resource disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in subsequent annual reports, to be submitted for review to DHR in addition to Manatee County.

WASTEWATER.

- I(1) Lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
- a. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box
 - b. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability
 - c. wet wells to contain sewage line surcharges or overflows
 - d. emergency by-pass pumpouts for tank trucks
 - e. 100 percent redundancy in lift station pumping equipment
- I(2) The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Public Works Department.

- I(3) Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39), or its successors
- I(4) The Developer* shall not utilize on-site wastewater treatment

WATER.

- J(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes). Native vegetation or xeriscape techniques shall be used in landscaping to the greatest extent practicable
- J(2) The Developer* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer to use reclaimed water for irrigation purposes
- J(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources

SOLID WASTE.

- K(1) The Developer* shall provide to all on-site tenants and businesses information that
 - a indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas
 - b concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment
 - c advises of applicable statutes and regulations regarding hazardous wastes and materials
- K(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA)

ENERGY.

- L(1) The Developer* shall notify all tenants and businesses that the following related practices are encouraged:
 - a energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible

- b. energy audits provided by energy companies or other qualified agencies
 - c. water heater timers and water heaters set at 103 degrees Fahrenheit or lower
 - d. energy conservation by employees
 - e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate
 - f. recycling programs
 - g. energy efficient packaging or recyclable materials
- L(2) The Developer* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses

RECREATION AND OPEN SPACE.

- M(1) All open space areas not dedicated to the County or other state agencies shall be maintained by the Developer

PUBLIC SAFETY.

- N(1) Gulf Coast Factory Shops shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, and be in compliance with the Manatee County Comprehensive Plan and Land Development Code and Building Code requirements
- N(2) Upon issuance of a hurricane evacuation order, the developer will take all necessary measures to ensure the safe evacuation of all employees and any remaining customers at the site
- N(3) The developer shall coordinate with the Manatee County Public Safety to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans

GENERAL CONDITIONS.

- O(1) The Developer shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition, in which case the Development Order Condition shall prevail
- O(2) The Developer shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, DCA, and other agencies as may be appropriate, on the

anniversary of the effective date of ~~this Development Order~~ Ordinance 97-78 (December 16, 1997) and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Three (3) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed, provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the following:

- a. any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year.
- b. a summary comparison of development activity proposed and actually conducted for the year.
- c. undeveloped tracts of land that have been sold to a separate entity or Developer.
- d. identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the Development Order was issued.
- e. an assessment of the Developer's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA and which have been identified by the County, TBRPC, or DCA as being significant.
- f. any requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year.
- g. an indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.
- h. a list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each.
- i. a statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and,
- j. a copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(15)(f), Florida Statutes, during the year of the annual report.

- O(3) Any changes in the Development from the parameters approved and set forth in this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- O(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Project* and ensuring its compliance with this Development Order. The data necessary for monitoring the Project* shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- O(5) This Development Order shall expire 10 years from its ~~date of approval~~ December 16, 1997. Buildout shall be completed by January 30, 2001. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- O(6) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- O(7) Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), F.S., shall constitute a substantial deviation.
- O(8) Should development significantly depart from the parameters set forth in the ADA, the Project* will be subject to substantial deviation review pursuant to Section 380.06, F.S.

SECTION 5. DEVELOPER COMMITMENTS.

Developer commitments set forth in the ADA are listed in Exhibit 2 and shall be honored by the Developer except as they may be superseded by the specific terms of this Development Order.

SECTION 6. LEGAL DESCRIPTION.

Development of Gulf Coast Factory Shops shall be restricted to the 65 acre tract of land described below.

FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST RUN S 89° 37' 26" W A DISTANCE OF 597.65 FEET TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75 ALSO BEING THE POINT OF BEGINNING, THENCE N 20° 19' 31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 404.25 FEET, THENCE N 89° 37' 26" E, A DISTANCE OF 362.00 FEET, THENCE S 00° 22' 34" E A DISTANCE OF 134.00 FEET, THENCE N 89° 37' 26" E, A DISTANCE 1048.69 FEET, THENCE S 00° 30' 30" E, A DISTANCE OF 198.00 FEET, THENCE N 89° 37' 26" E, A DISTANCE OF 626.92 FEET TO THE PC OF A CURVE TO LEFT WHOSE RADIUS POINT LIES N 00° 22' 34" W, A DISTANCE OF 25.00 FEET, THENCE NORTHEASTERLY ALONG ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 38.87 FEET THROUGH A CENTRAL

ANGLE OF 89°04'46" TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF 60TH AVENUE EAST, THENCE S 00°32'40" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 72.60 FEET, THENCE S 00°08'23" E CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 61.10 FEET TO THE POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 89°51'37" W, A DISTANCE OF 25.00 FEET, THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 39.37 FEET THROUGH A CENTRAL ANGLE OF 90°14'11" TO THE PT OF SAID CURVE, THENCE S 89°37'26" W, A DISTANCE OF 625.31 FEET, THENCE S 00°30'30" E, A DISTANCE OF 294.11 FEET TO THE NORTHWEST CORNER OF BLOCK 1, PHILLIPS & ALLEN SUBDIVISION, PLAT BOOK 1, PAGE 308A, THENCE S 00°30'30" E ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE OF 330.12 FEET TO THE NORTHWEST CORNER OF BLOCK 4, SAID PHILLIPS & ALLEN SUBDIVISION, THENCE CONTINUING S 00°30'30" E ALONG THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 11.91 FEET TO A POINT ON THE NORTH LINE OF PROPERTY RECORDED IN O R BOOK 395, PAGE 175, THENCE S 89°58'42" W ALONG SAID NORTH LINE, A DISTANCE OF 41.18 FEET, THENCE S 11°20'52" W ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 318.92 FEET TO THE NORTH LINE OF A PLATTED RIGHT OF WAY VACATED BY O R BOOK 44, PAGE 463, THENCE N 89°56'18" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 52.00 FEET, THENCE S 00°32'01" W, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID PLATTED RIGHT OF WAY THIS PORTION VACATED BY O R BOOK 1331, PAGE 369, THENCE N 89°56'18" W ALONG SAID CENTER LINE, A DISTANCE OF 166.22 FEET TO THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75, THENCE NORTHWESTERLY ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE THE FOLLOWING SIX COURSES N 39°12'27" W, A DISTANCE OF 137.71 FEET; THENCE N 61°58'18" W, A DISTANCE OF 362.11 FEET, THENCE N 55°00'53" W, A DISTANCE OF 254.45 FEET, THENCE N 41°09'59" W, A DISTANCE OF 254.39 FEET, THENCE N 27°16'28" W, A DISTANCE OF 254.52 FEET, THENCE N 20°19'31" W, A DISTANCE OF 166.09 FEET TO THE POINT OF BEGINNING

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA

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

CONTAINING 30.14 ACRES, MORE OR LESS

FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST RUN S 89°37'26" W, A DISTANCE OF 597.65 FEET TO THE INTERSECTION OF THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75; THENCE N 20°19'31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 404.25 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING N 20°19'31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 96.41 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 74°24'05" E, A DISTANCE OF 5555.58 FEET,

THENCE NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 396.94 FEET THROUGH A CENTRAL ANGLE OF 04°05'38", THENCE N 89°37'26" E, A DISTANCE OF 1161.14 FEET TO THE CENTER LINE OF A CREEK; THENCE SOUTHERLY AND EASTERLY ALONG SAID CENTER LINE THE FOLLOWING NINE COURSES: THENCE S 51°48'13" E, A DISTANCE OF 34.91 FEET; THENCE S 40°26'57" E, A DISTANCE OF 76.73 FEET; THENCE S 33°34'49" E, A DISTANCE OF 92.01 FEET; THENCE S 39°49'36" E, A DISTANCE OF 24.06 FEET; THENCE S 16°06'55" E, A DISTANCE OF 48.13 FEET; THENCE S 41°33'24" E, A DISTANCE OF 28.60 FEET; THENCE S 51°20'40" E, A DISTANCE OF 97.01 FEET; THENCE S 71°3'53" E, A DISTANCE OF 52.85 FEET; THENCE N 86°50'36" E, A DISTANCE OF 72.77 FEET TO THE END OF SAID CENTER LINE; THENCE S 00°30'30" E, A DISTANCE OF 292.24 FEET; THENCE S 89°37'26" W, A DISTANCE OF 1048.69 FEET; THENCE N 00°22'34" W, A DISTANCE OF 134.00 FEET; THENCE S 89°37'26" W, A DISTANCE OF 362.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA

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

CONTAINING 17.62 ACRES, MORE OR LESS.

DESCRIPTION: NORTH PARCEL WEST OF CREEK

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, THENCE RUN SOUTH 89°58'55" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 124.00 FEET THE CENTER LINE OF THE CREEK ALSO BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID CENTER LINE OF CREEK THE FOLLOWING SEVENTEEN COURSES:

THENCE SOUTH 15°52'24" EAST, A DISTANCE OF 223.93 FEET; THENCE SOUTH 43°07'28" EAST A DISTANCE OF 81.28 FEET; THENCE SOUTH 25°12'27" EAST A DISTANCE OF 84.01 FEET; THENCE SOUTH 10°08'46" EAST A DISTANCE OF 50.43 FEET; THENCE SOUTH 01°34'14" WEST A DISTANCE OF 86.94 FEET; THENCE SOUTH 36°55'08" EAST A DISTANCE OF 70.38 FEET; THENCE SOUTH 21°23'11" EAST A DISTANCE OF 83.48 FEET; THENCE SOUTH 44°43'53" EAST A DISTANCE OF 50.59 FEET; THENCE SOUTH 01°59'49" WEST A DISTANCE OF 29.19 FEET; THENCE SOUTH 03°41'32" WEST A DISTANCE OF 151.29 FEET; THENCE SOUTH 31°01'55" WEST A DISTANCE OF 107.28 FEET; THENCE SOUTH 07°04'01" WEST A DISTANCE OF 58.23 FEET; THENCE SOUTH 16°45'04" EAST A DISTANCE OF 48.89 FEET; THENCE

SOUTH 63°26'49" EAST A DISTANCE OF 41.62 FEET, THENCE
NORTH 83°54'15" EAST A DISTANCE OF 57.99 FEET, THENCE
SOUTH 59°32'58" EAST A DISTANCE OF 68.18 FEET, THENCE
SOUTH 51°48'13" EAST A DISTANCE OF 56.90 FEET TO THE END OF SAID CENTER LINE
OF CREEK, THENCE SOUTH 89°37'26" WEST A DISTANCE OF 1161.14 FEET TO THE
EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75 ALSO BEING A POINT ON A
CURVE TO THE RIGHT WHOSE RADIUS POINT LIES NORTH 78°79'43" EAST, A DISTANCE
OF 5555.58 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT
A DISTANCE OF 472.30 FEET THROUGH A CENTRAL ANGLE OF 04°52'15" TO THE END OF
SAID CURVE; THENCE NORTH 89°54'37" EAST ALONG THE NORTH LINE OF THE SOUTH
1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 9 A DISTANCE OF
615.97 FEET; THENCE NORTH 00°11'23" EAST ALONG THE WEST LINE OF THE EAST HALF
OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID
SECTION 9, A DISTANCE OF 656.42 FEET; THENCE NORTH 89°58'55" EAST ALONG THE
AFOREMENTIONED NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF
SAID SECTION 9, A DISTANCE OF 210.73 FEET TO THE POINT OF BEGINNING

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE
COUNTY, FLORIDA.

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

CONTAINING 16.19 ACRES, MORE OR LESS

SECTION 7. COMMENCEMENT OF DEVELOPMENT.

Physical development of the Project* has commenced. If any five year period shall expire without significant additional development activity on the site, the BOCC may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For purposes of this provision, "significant development" shall be the actual construction of Vertical Development, on or off-site infrastructure development, or the payment of impact fees for infrastructure development as part of an ongoing effort to prepare the land or buildings for sale, lease, or use.

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

1. substantial changes in the conditions underlying the approval of the Development Order have occurred, or

2. the Development Order was based upon substantially inaccurate information provided by the Developer, or
3. 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 shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations

For purposes of this Development 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 Development 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 Development 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 development, but is included to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER AND COUNTY.

This Development Order shall be binding upon the Developer, Owners, the County, and upon the Developer's and Owner's grantees, successors, and assigns

SECTION 10. COMPLIANCE WITH CODES AND ORDINANCES.

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein

SECTION 11. RENDITION.

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the BOCC approval to the Developer, DCA, and TBRPC

SECTION 12. NOTICE OF RECORDING.

The Developer shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice

SECTION 13. SEVERABILITY.

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a Court of

Competent jurisdiction, such holdings of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable

SECTION 14. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy with the Department of State, provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said of appeal

PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ON THE THE 15th DAY OF DECEMBER, 1998

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY _____
Chairman

ATTEST R. B. SHORE
 Clerk of the Circuit Court

EXHIBIT 2

GULF COAST FACTORY SHOPS

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superseded by specific terms of the Development Order

ENVIRONMENTAL AND NATURAL RESOURCES

Air

- Fugitive dust will be controlled by moistening exposed soil on a regular basis during site preparation and construction activities (ADA 2-1)

Water

- Native, drought tolerant, species will be used in all landscape plantings (ADA 12-2)
- Silt screens will be erected during construction activities to prevent erosion or other inadvertent encroachments into the drainage ditch along the northeast property line of the expansion area (ADA 13-2)
- During construction times of drought, watering trucks may be used to minimize wind erosion until grassing and vegetation can be established. Sodding or grassing will be placed immediately upon final grading to minimize water soil erosion (ADA 15-3)
- Plumbing facilities used for the restrooms will utilize conventional water saving fixtures (ADA 17-3)
- The post-development run-off will not exceed the pre-development rate (ADA 19-2)

PUBLIC FACILITIES

Energy

- Several energy conservation measures (individual meters, energy saving equipment, architectural design, landscaping, etc.) will be incorporated into the outlet center's operations and design features (ADA 29-2)

Health Care

- The outlet center security force will maintain a first aid capability. All outlet center and retail personnel are informed of the proper means of requesting assistance in the event of injury or illness that requires EMS assistance (ADA 28-1)

Transportation

- The center is developed to accommodate buses and high occupancy vehicles and will continue to encourage use by such vehicles (ADA 21-15)

Hurricane Preparedness

- In the event a hurricane evacuation order is given, retailers will be notified and advised to not open until further notice. In the event of an actual hurricane, the outlet center will be properly secured and closed, and all customers and employees will be asked to leave the center (ADA 23-2 and 3)



Bob P / Jerome / Norm

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

PLANNING
SEP 4 1998
DEPARTMENT

September 4, 1998

Ms. Carol Clarke, Director
Manatee County Planning, Permitting and Inspections
1112 Manatee Avenue West, 4th Floor
Bradenton, FL 34205

Re: Gulf Coast Factory Shops DRI, File No. ADA-897-014
Review of Notification of Proposed Change

Dear Ms. Clarke:

We have reviewed the notification of proposed change (NOPC) for the Gulf Coast Factory Shops Development of Regional Impact (DRI). The applicant proposes to revise the development order (D.O.) to amend the Transportation conditions to:

- 1) Amend Section 4 B(3) c. to allow the delay of the construction of required improvements to 60th Avenue East until the County obtains the required rights-of-way (ROW), and to require payment of the balance of impact fees for Phase 1-A by January 1, 2001, if ROW is not acquired by that date, and
- 2) Add Condition 4 B(6), to allow the costs of required improvements which exceeds the impact fees for Phase 1-A to be fully credited against the impact fees for Phase 1-B and any further expansion of the DRI.

The proposed changes are presumed to create a substantial deviation pursuant to Section 380.06(19)(e)3, F.S. However, there do not appear to be any additional and adverse impacts that would result from the proposed amendment. Therefore, we do not object to the proposed changes.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850 488 8466/Suncom 278 8466 FAX: 850 921 0781/Suncom 291 0781
Internet address: <http://www.state.fl.us/comaff/dca.html>

Ms. Carol Clarke
September 4, 1998
Page Two

If you have any questions or comments regarding this matter, please call Carol M Collins, Planner IV, or Marina Pennington, Community Programs Administrator, in the Bureau of Local Planning, at (850) 487-4545.

Sincerely,

Marina Pennington for MA
Maria Abadal Cahill, Growth Management Administrator
Bureau of Local Planning

MP.cc

cc Mr. Tim Butts, Tampa Bay Regional Council
Ms. Margaret-Ray Kemper, Ruden, McClosky, Smith, Schuster & Russell, P.A.



Tampa Bay Regional Planning Council

351

Chairman
Commissioner Steven M. Seibert

Vice-Chairman
Barbara Romano

Secretary/Treasurer
Commissioner Chris Hart

Acting Executive Director/CFO
Manny L. Purnanaga

September 21, 1998

PLANNING
SEP 28 1998
DEPARTMENT

Margaret-Ray Kemper, Esq
Ruden, McClosky, Smith, et al., P.A.
215 South Monroe Street, Suite 815
Tallahassee, Florida

RE: DRI #229 - Gulf Coast Factory Shops, Notice of Proposed Change

Dear Ms. Kemper:

The staff of the Tampa Bay Regional Planning Council has completed review of the Notice of Proposed Change (NOPC) submitted for the Gulf Coast Factory Shops DRI. The NOPC proposes to alter the non-regional transportation mitigation dependent on the acquisition of ROW on 60th Avenue East and allows crediting of excess cost of transportation improvements to future phases or expansion of the Gulf Coast Factory Shops.

Pursuant to Subsection 380.06(19)(e)3, Florida Statutes, the proposed changes are presumed to create a substantial deviation. However, the proposed changes do not appear to create any regional impacts. This is sufficient to rebut the presumption.

Please give me a call if you have any questions concerning this matter

Sincerely,

Tim Butts, AICP
DRI Coordinator

cc: Ms. Carol Clarke
Ms. Marina Pennington

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this card and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name ST. MARK

Address 301 2100 12th Ave

City Center Tampa FL 33602

Representing RT Properties

Public Hearing matter on which you want to speak:

Please check one for each #:

1. Are you in favor _____
opposed _____

2. Speaking as an individual?

Yes No

or

Speaking as an official representative of a group.

Name of
Group _____

3. Do you have a visual presentation or other evidence to be submitted to the Board?

Yes No

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes No