

#215



PASCO COUNTY, FLORIDA

FAX (727) 847-8084
DADE CITY (352) 521-4274
LAND O' LAKES (813) 996-7341
NEW PORT RICHEY (727) 847-8193

GROWTH MANAGEMENT DEPARTMENT
WEST PASCO GOVERNMENT CENTER
7530 LITTLE ROAD, SUITE 320
NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL NO. 7003 3110 0003 6048 5533
RETURN RECEIPT REQUESTED

December 27, 2006

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional
Planning Council
4000 Gateway Centre Blvd., S-100
Pinellas Park, FL 33782

RE: Gulfview Square Mall - Development of Regional Impact (#39/215)
Essentially Built-Out Agreement

Dear Mr. Meyer:

Enclosed please find a duly executed original of the Gulfview Square Mall Development of Regional Impact #39/215 Essentially Built-Out Agreement. This Essentially Built-Out Agreement was approved by the Pasco County Board of County Commissioners on September 27, 2005.

Sincerely,

Cynthia D. Spidell, MBA
Planner II

Enclosure

**ESSENTIALLY BUILT-OUT AGREEMENT
PURSUANT TO 380.032(3), AND 380.06(15)(G)(3), FLORIDA STATUTES**

This Agreement ("Agreement") is entered into by and between GULFVIEW ASSOCIATES, an Ohio General Partnership c/o SIMON PROPERTY GROUP, INC., 115 West Washington Street, Indianapolis, Indiana 46204 ("Associates"), PASCO COUNTY FLORIDA (the "County") AND STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS ("Department") subject to all other governmental approvals and solely at Associates' risk.

WHEREAS, Associates is a duly incorporated and active Ohio General partnership and is the developer of the Gulfview Square Mall development of regional impact ("DRI"); and

WHEREAS, Pasco County is a political subdivision of the State of Florida; and

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes ("F.S."), which includes provisions relating to DRIs; and

WHEREAS, pursuant to subsection 380.032(3), F.S., the Department is authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of chapter 380, F.S.; and

WHEREAS, Associates, the County and the Department desire to enter into this Section 380.032(3), F.S., Agreement; and

WHEREAS, on November 26, 1974, the Board of County Commissioners of Pasco County adopted a Development of Regional Impact Development Order approving, with conditions, the Gulf View Square Mall Development of Regional Impact governing the real property described and shown in Exhibits "A" and "B", respectively, attached hereto, and

WHEREAS, the above-stated Development Order expired January 1, 1980, and

WHEREAS, the Owner, Developer, Gulf View Associates, Inc., entered into a Preliminary Development Agreement on September 21, 1989, with the Florida Department of Community Affairs and Pasco County to construct Phase I of the proposed expansion consisting of 107,206 square feet of gross leasable area (GLA) (113,400 square feet of gross floor area (GFA)) on the existing site. The Preliminary Development Agreement stipulated that the Developer file an Amended Application for Development Approval to assess the impacts of the proposed expansion, and

WHEREAS, the developer filed the required Amended Application for Development Approval March 4, 1990, seeking to extend the Development Order to December 31, 1993, in order to complete the remaining 333,352 square feet GLA of development contemplated in the original Development Order, and

WHEREAS, prior to the PDA development, 716,648 square feet GLA (809,136 square feet GFA) with 4,878 parking spaces had been constructed, which amount includes approved general commercial development along U.S. 19, and

WHEREAS, the Developer proposed to expand the existing development to include an additional 333,352 square feet GLA (350,020 square feet GFA) of commercial development within the existing 110 acres and provide 372 additional parking spaces in two phases to be completed by December 31, 1995, and

WHEREAS, Phase I of the expansion consisting of 107,206 square feet GLA (113,400 GFA) was constructed under a Preliminary Development Agreement on approximately 13 acres of land described in Exhibit A attached hereto, and

WHEREAS, on February 4, 1992, the Board of County Commissioners of Pasco County adopted an Amended Development of Regional Impact approving with conditions the Gulf View Square Mall Development of Regional Impact providing for up to 1,050,000 S.F. GLA of Commercial Development in two phases, and

WHEREAS, the Gulfview Square Mall Substantial Deviation Development Order provided specific approval for the Phase I addition of 107,206 s.f. GLA to be added to the existing 716,648 s.f. GLA for a total of 823,854 s.f. GLA of commercial development and conceptual approval for a Phase II of 226,146 s.f. GLA for a grand total of 1,050,000 s.f. GLA; and

WHEREAS, a total of 819,792 s.f. GLA of commercial development (Mall – 803,521 s.f.; outparcels – 16,271 s.f.) was constructed prior to 2003; and

WHEREAS, 107,030 s.f. GLA constructed prior to 2003 has been demolished and replaced by 58,487 s.f. GLA in essentially the same building footprint for a revised total of 771,249 s.f. GLA; and

WHEREAS, the remaining conceptually approved portion of the Gulfview Square Mall DRI (Phase II) consists of 226,146 sq. ft.

WHEREAS, All DRI Development Order requirements for the contribution of funds, land, and public facilities expressly designated and used to mitigate impacts attributable to the specifically approved development (823,854 sq. ft.) have been satisfied.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed as follows:

1. The parties agree that pursuant to Section 380.06(15)(g)(3), F.S., the Gulfview Square Mall DRI is “essentially built-out” because (a) the development is in compliance with all applicable terms and conditions of the Gulf View Square Mall DRI Development Order except the buildout date, and (b) the amount of development that remains to be built (40,000 square feet GLA of approved commercial development previously constructed and demolished in 2003) has been mitigated and thus does not create the likelihood of any additional regional impacts not previously reviewed.

2. Notwithstanding the buildout date contained within the Gulfview Square Mall DRI Development Order and due to the essentially built out status of the DRI, 40,000 square feet of previously constructed commercial development that was demolished in 2003 may be reconstructed in accordance with the terms and conditions of the Development Order without further DRI review including review under Section 380.06(19), F.S. The 40,000 square feet of replacement development will include 33,000 square feet of commercial space attached to the existing mall and a 7,000 square foot restaurant outparcel fronting US 19. No new access points or modifications to existing driveways will be constructed to serve the outparcel or the replacement commercial development. Associates’ agrees to forego and abandon the remaining Phase I DRI entitlement of 12,605 square feet GLA and all of the conceptually approved phase II development as summarized in Exhibit C.

3. The parties agree that the 7,000 square foot restaurant outparcel development and the 33,000 square feet of commercial development to be reconstructed shall comply with the requirements of the Pasco County Comprehensive Plan and all applicable sections (without regard to exemptions for DRIs) of the Pasco County Land Development Code including the Guidelines and Review Fees for Traffic Impact Studies (TIS) and Substandard Roads as amended (Resolution #04-203), Special Transportation Concurrency Review and Procedures for US 19 Redevelopment Concurrency Area as contained in the Pasco County Concurrency Management System, the Pasco County Access Management Regulations, and the Pasco County Impact Fee Ordinance as amended and the Terms and Conditions of this Essentially Built-out Agreement. The 40,000 square feet of replacement development described in this Essentially Built-out Agreement shall be completed within 10 years from the effective date of the agreement

4. Associates' agree to forego and abandon the remaining Phase I DRI entitlement of 12,605 square feet GLA and all of the conceptually approved phase II development as summarized in Exhibit C.

5. The parties agree that the Gulfview Square Mall DRI shall be bound by the development table attached hereto as Exhibit C and that a request for future development of the DRI which exceeds the 40,000 sf GLA of commercial development identified in Exhibit C is unlikely to occur. Nevertheless, in the unlikely event future development with the Gulfview Square Mall DRI beyond 40,000 sf GLA of commercial development is requested by Associates, such future development shall be subject to Section 380.06(19), F.S., and Associates shall be required to complete a cumulative analysis of the impacts for the proposed development and existing development within the Gulfview Square Mall DRI.

6. No new driveways are proposed under this Agreement. Any modification to existing driveways shall be subject to the review and approval of the Florida Department of Transportation and Pasco County.

7. After the effective date of the Agreement, Associates shall no longer be required to file annual reports pursuant to Section 380.06(18), F.S.

8. Associates assert and warrant that all of the representations and statements made as set forth in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of chapter 380, F.S. and reasonably applies and effectuates the provisions and purposes of Chapter 380, F.S.

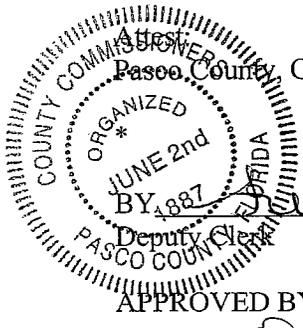
9. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department or the County may terminate this Agreement or file suit to enforce this Agreement as provided Sections 380.06 and 380.11, F.S.

10. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, F.S., except as acknowledged herein.

11. This Agreement affects the rights and obligations of the parties under Chapter 380, F.S. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in writing signed by the parties and reviewed by The Tampa Bay Regional Planning Council.

12. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Associates shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. Gulfview Associates shall record this Agreement in the Official Records of Pasco County, Florida, within two (2) weeks of the date of execution of this Agreement.

13. The effective date and date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.



Clerk of Circuit Court

PASCO COUNTY, a political subdivision of the State of Florida

By: [Signature]
Chairman, Board of County Commissioners

APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And
Legal Sufficiency
ATTEST:

APPROVED

SEP 27 2005

GULFVIEW ASSOCIATES

By: Simon Property Group, L.P., General Partner,

By: Simon Property Group, Inc., its general partner

[Signature]
Print Name Michelle D. Swift

[Signature]
Print Name Kelly Halvda

BY: [Signature]
Print Name John Rolli

Title Executive Vice President/COO

STATE OF ~~FLORIDA~~ Indiana
COUNTY OF ~~PASCO~~ Johnson

The foregoing instrument was acknowledged before me this 7th day of September, 2005 by, John Rolli of Simon Property Group, Inc. He is personally known to me or has produced personally known as identification and did (did not) take an oath.

My Commission expires 1/4/2013

[Signature]
Print Name: Lisa Rische
Title: Administrative Assistant

ATTEST:

DEPARTMENT OF COMMUNITY AFFAIRS

By: [Signature]

Approved as to form and legal sufficiency:

[Signature]
Counsel
Department of Community Affairs

EXHIBITS

- A. Legal Description
- B. Map H
- C. Development Summary

EXHIBIT "A"
(Legal Description of DRI)

GULF VIEW SQUARE

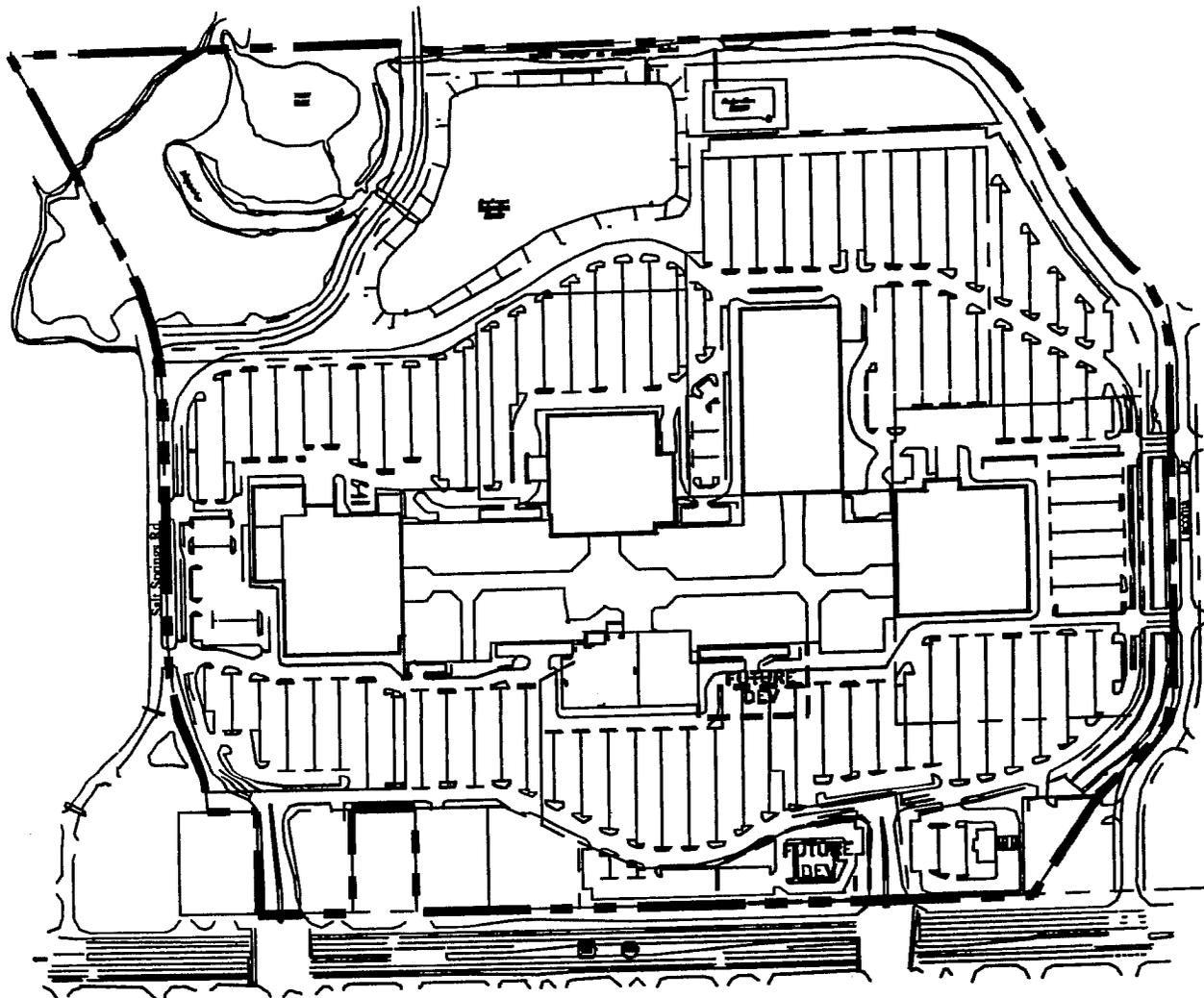
TOTAL DRI PARCEL

110.001 ACRES.

A tract of land lying in the Southwest 1/4 of Section 21, Township 25 South, Range 16 East, Pasco County, Florida, further described as follows:

For a point of reference commence at the North 1/4 corner of said Section 21, thence S 00° 29' 39" W along the east line of the Northwest 1/4 of said Section 21, 1,678.87 feet to a point on the westerly right-of-way line of U.S. Highway 19 (S.R. 55) as now established; thence S 28° 38' 51" W along said westerly right-of-way line 1,148.01 feet to the principal point and place of beginning of the following description:

Thence continuing along said westerly right-of-way line S 28° 38' 51" W, a distance of 1,520.00 feet to a point; thence leaving said right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence S 61° 21' 09" E, a distance of 243.00 feet to a point on the westerly right-of-way line of U.S. Highway No. 19 (S.R. #55); thence along said westerly right-of-way line S 28° 38' 51" W, a distance of 230.00 feet to a point; thence leaving said westerly right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence 147.90 feet along an arc to the left having a radius of 361.37 feet and a chord of 146.87 feet, bearing N 73° 04' 39" W to a point of reverse curvature; thence 290.34 feet along an arc to the right having a radius of 709.39 feet and a chord of 288.32 feet bearing N 73° 04' 39" W to a point; thence N 61° 21' 09" W, a distance of 563.86 feet to a point; thence 392.07 feet along an arc to the left having a radius of 805.59 feet and a chord of 388.21 feet bearing N 75° 17' 43" W to a point; thence N 89° 14' 16" W, a distance of 550.80 feet to a point; thence N 28° 38' 51" E, a distance of 2,350.00 feet to a point; thence S 89° 14' 16" E, a distance of 587.75 feet to a point; thence 392.07 feet along an arc to the right having a radius of 805.59 feet and chord of 388.21 feet bearing S 75° 17' 43" E to a point; thence S 61° 21' 09" E, a distance of 706.64 feet to a point; thence 193.66 feet along an arc to the right having a radius of 315.10 feet and a chord of 190.63 feet bearing S 43° 44' 42.5" E to a point; thence S 26° 08' 16" E, a distance of 392.74 feet to the principal point and place of beginning and containing 110.001 acres of land more or less.



N.T.S.

Map H (Revised June 16, 2005)

LAND USE SCHEDULE

Retail	106.70 AC.
Environmental	0.97 AC.
Open Space	2.33 AC.
Total	110.00 AC.

DEVELOPMENT SCHEDULE

Existing	771,249 Sq. Ft. GLA
Future Development	40,000 Sq. Ft. GLA
Total	811,249 S.F. GLA
Parking Spaces	4,825

Gulf View Square

9409 U.S. Hwy 19, Suite 781
Port Richey, FL 34668

SIMON

National City Center
115 W. Washington Street
Indianapolis, IN 46204
317.636.1600

EXHIBIT B

EXHIBIT C

GULFVIEW SQUARE MALL DEVELOPMENT SUMMARY

1. Approved Development per Gulfview Square Substantial Deviation Development Order. (Buildout date: December 31, 1995)

Phase I - 823,854 sq. ft. GLA (includes 807,583 sq. ft. GLA in Mall and 16,271 sq. ft. GLA of Commercial Out Parcel Development)

Phase II - 226,146 sq. ft. GLA of Commercial Development (conceptual approval)

2. Existing Development Prior to Demolition of Former Dillard's Department Store (2003)

<u>Land Use</u>	<u>S.F. GLA</u>
Regional Mall	803,521
Commercial Out Parcels	<u>16,271</u>
Total	819,792

3. Existing Development as of December 31, 2004

<u>Land Use</u>	<u>S.F. GLA</u>
Regional Mall	754,978
Commercial Out Parcels	<u>16,271</u>
Subtotal	771,249

4. Proposed Future Development

<u>Land Use</u>	<u>S.F. GLA</u>
Regional Mall	33,000
Commercial Out Parcel	<u>7,000</u>
Total Approved Development	811,249

5. Development to be Abandoned in Connection with Essentially Builtout Agreement.

Phase I - 12,605 sq. ft. GLA (part of previous specific approval)

Phase II - 226,146 sq. ft. GLA (conceptual approval)



PASCO COUNTY, FLORIDA

GROWTH MANAGEMENT
DEVELOPMENT SERVICES ADM.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8132

May 7, 1993

CERTIFIED MAIL P 146 932 006

Suzanne Cooper, AICP
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, FL 33702-2491

RE: Gulf View Square Mall DRI Amendment

Dear Ms. Cooper:

Enclosed is Resolution 93-215 amending the development order for Gulf View Square Mall and the requisite Notice of Adoption.

Sincerely,

Dean R Neal

Dean R. Neal
Senior Planner

DRN/ca

Enclosures

cc: John Baker (Certified mail P 146 932 007)
Florida Dept. of Community Affairs

Thomas A. Mariscano, V.P. (Certified mail P 146 932 008)
Greiner, Inc.

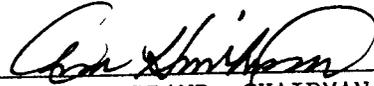
*mailed 5/10/93
received 5/11/93*

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE GULF VIEW SQUARE MALL DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 93-215 dated May 4, 1993, has adopted an amendment to the Development Order for a Development of Regional Impact known as Gulf View Square Mall (Resolution No. 92-127). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

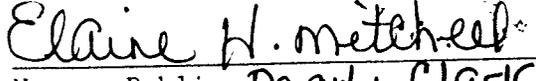
The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.


ANN HILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

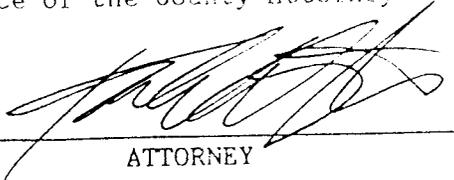
State of Florida)

County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 4th day of MAY, 1993.


~~Notary Public~~ Deputy CLERIC
State of Florida at Large
My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: 

ATTORNEY

EXHIBIT "A"
(Legal Description of DRI)

GULF VIEW SQUARE

TOTAL DRI PARCEL

110.001 ACRES

A tract of land lying in the Southwest 1/4 of Section 21, Township 25 South, Range 16 East, Pasco County, Florida, further described as follows:

For a point of reference commence at the North 1/4 corner of said Section 21, thence S 00° 29' 39" W along the east line of the Northwest 1/4 of said Section 21, 1,678.87 feet to a point on the westerly right-of-way line of U.S. Highway 19 (S.R. 55) as now established; thence S 28° 38' 51" W along said westerly right-of-way line 1,148.01 feet to the principal point and place of beginning of the following description:

Thence continuing along said westerly right-of-way line S 28° 38' 51" W, a distance of 1,520.00 feet to a point; thence leaving said right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence S 61° 21' 09" E, a distance of 243.00 feet to a point on the westerly right-of-way line of U.S. Highway No. 19 (S.R. #55); thence along said westerly right-of-way line S 28° 38' 51" W, a distance of 230.00 feet to a point; thence leaving said westerly right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence 147.90 feet along an arc to the left having a radius of 361.37 feet and a chord of 146.87 feet, bearing N 73° 04' 39" W to a point of reverse curvature; thence 290.34 feet along an arc to the right having a radius of 709.39 feet and a chord of 288.32 feet bearing N 73° 04' 39" W to a point; thence N 61° 21' 09" W, a distance of 563.86 feet to a point; thence 392.07 feet along an arc to the left having a radius of 805.59 feet and a chord of 388.21 feet bearing N 75° 17' 43" W to a point; thence N 89° 14' 16" W, a distance of 550.80 feet to a point; thence N 28° 38' 51" E, a distance of 2,350.00 feet to a point; thence S 89° 14' 16" E, a distance of 587.75 feet to a point; thence 392.07 feet along an arc to the right having a radius of 805.59 feet and chord of 388.21 feet bearing S 75° 17' 43" E to a point; thence S 61° 21' 09" E, a distance of 706.64 feet to a point; thence 193.66 feet along an arc to the right having a radius of 315.10 feet and a chord of 190.63 feet bearing S 43° 44' 42.5" E to a point; thence S 26° 08' 16" E, a distance of 392.74 feet to the principal point and place of beginning and containing 110.001 acres of land more or less.

GULF VIEW SQUARE MALL DEVELOPMENT ORDER AMENDMENT
DEVELOPMENT OF REGIONAL IMPACT
SUBSTANTIAL DEVIATION DETERMINATION

RESOLUTION AMENDING RESOLUTION NO. 92-127, AS AMENDED, REVISING THE CONDITIONS OF DEVELOPMENT APPROVAL FOR THE GULF VIEW SQUARE MALL DEVELOPMENT OF REGIONAL IMPACT AND DETERMINING THAT THE PROPOSED CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE APPROVED DEVELOPMENT ORDER.

WHEREAS, on February 4, 1992, the Board of County Commissioners of Pasco County adopted by Resolution No. 92-127, a Development of Regional Impact Development Order approving, with conditions, the Gulf View Square Mall (substantial deviation) Development of Regional Impact.

WHEREAS, on February 3, 1993, Edward J. DeBartolo Corporation filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of fact:

1. Resolution No. 92-127 allowed development of residential units and retail/commercial development totaling 1,159,156 gross square feet of floor area, plus 5,250 parking spaces.
2. Edward J. DeBartolo Corporation has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order on Florida Department of Community Affairs Form RPM-SP-PROPCHANGE-1.
3. The developer has submitted the Request for Approval of a Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.
4. The proposed change would extend the Phase II build-out date by a period of four years, 11 months, and 30 days; extend the project expiration date from December 31, 1999, to December 31, 2005; and extend the date that the project could be subject to downzoning or density/intensity reduction from January 1, 2000, to January 1, 2006.
5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes.
6. The Board of County Commissioners of Pasco County has given 15 days notice and held a public hearing on the above-referenced request on May 4, 1993.
7. Neither the Tampa Bay Regional Planning Council nor the Florida Department of Community Affairs has exercised their right to participate at the public hearing.

8. At the public hearing, all parties were afforded the opportunity to present evidence and argument on all issues and submit rebuttal evidence.

9. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present written or oral communications.

10. The Board of County Commissioners has received and considered the recommendations of Pasco County Growth Management and the Development Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that:

1. The above-referenced proposed change to the Gulf View Square Mall Development of Regional Impact is not a substantial deviation and, therefore, does not require further Development of Regional Impact review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the Gulf View Square Mall Development of Regional Impact is approved and Resolution No. 92-127 hereby amended incorporating the following changes.

a. The Phase II expansion build-out date, as referenced in Table I of Paragraph C.1.b. of the Development Order, is changed from 1995 to (December 30) 2000.

b. The expiration date in Paragraph C.6. of the Development Order is changed from December 31, 1999, to December 31, 2005.

c. The downzoning date in Paragraph C.6. of the Development Order is changed from January 1, 2000, to January 1, 2006.

DONE AND RESOLVED THIS 4th DAY OF May, 1993.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman
JED PITTMAN, CLERK
By: Elaine H. Mitchell DC

BY: Ann Hildebrand
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: [Signature]
ATTORNEY



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
FAX (813) 847-8084
NEW PORT RICHEY (813) 847-8132

GROWTH MANAGEMENT
PASCO COUNTY GOVT. COMPLEX
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

CERTIFIED MAIL NO. P 503 036 590
RETURN RECEIPT REQUESTED

February 25, 1992

Ms. Suzanne Cooper
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: Gulf View Square Mall Development Order

Dear Ms. Cooper:

Please find enclosed a certified copy of Resolution 92-129, amending the Gulf View Square Mall Development of Regional Impact Development Order, which is the culmination of an amended application for development approval and a stipulated settlement agreement between Gulf View Associates and the Department of Community Affairs.

Sincerely,

Dean R. Neal
Senior Planner

DRN/c022106:ltr

mailed 2/25/92
received 2/26/92

Enclosure

cc: Marina Gonzalez-Pennington, Florida Department of Community Affairs, Division of Resource Planning and Management, Bureau of State Planning, 2740 Centerview Drive, Tallahassee, FL 32399-2100
Brian D. Forbes, Macfarlane, Ferguson, Allison, and Kelly, 2300 First Florida Tower, 111 Madison Street, Tampa, FL 33602
Thomas A. Marsicano, Associate Vice President, Griener, Inc., Post Office Box 31646, Tampa, FL 33630-3416
Bipin Parikh, P.E., Assistant County Administrator (Development Services)
Cynthia M. Jolly, P.E., Code Enforcement Director
Samuel P. Steffey II, Growth Management Administrator

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE GULF VIEW SQUARE MALL DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 92-127 dated February 4, 1992, has adopted an amendment to the Development Order for a Development of Regional Impact known as Gulf View Square Mall (Resolution No. 92-127). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

856702

FILED FOR RECORD

Ed Pittman
CLK. CIR. CLERK PASCO COUNTY, FL.

FEB 5 1 23 PM '92

Mike Wells

MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 4th day of February, 1992.

RECORD VERIFIED
ED PITTMAN
Clerk of Court, Pasco County

Ed Pittman

Dr. W. G. ...

Notary Public
State of Florida at Large
My Commission Expires:

Deputy Clerk

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

[Signature]
Attorney

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 19th day of Feb 1992
ED PITTMAN, CLERK TO THE BOARD

Ed Pittman
CLK.

BY COMMISSIONER: _____

RESOLUTION NO. 12-127

GULF VIEW SQUARE MALL DEVELOPMENT
ORDER AMENDMENT DEVELOPMENT OF RE-
GIONAL IMPACT NO. 39

WHEREAS, on June 25, 1991, the Board of County Commissioners of Pasco County adopted a Development of Regional Impact Development Order, Resolution No. 91-314 (the "Development Order"), approving, with conditions, a substantial deviation to the Gulf View Square Mall Development of Regional Impact (DRI No. 39) (the "DRI"); and

WHEREAS, on July 3, 1991, Pasco County rendered the Development Order to the State of Florida Department of Community Affairs (the "Department"), the Tampa Bay Regional Planning Council ("TBRPC") and The Edward J. DeBartolo Corporation; and

WHEREAS, on August 16, 1991, the Department filed a Notice of Appeal of the Development Order with the State of Florida Land and Water Adjudicatory Commission, Case No. App-91-039, based on the Department's claim that the Development Order does not make adequate provision for the public transportation facilities needed to accommodate the transportation impacts of the DRI; that approximately 40 acres of the DRI have not undergone development of regional impact review for site-related impacts and the Development Order does not require that acreage to undergo development of regional impact review; and that the Development Order violates certain of the provisions of Chapter 9J-2, Florida Administrative Code, and Subsections 380.06(14) and (15), Florida Statutes; and

WHEREAS, Gulf View Associates and The Edward J. DeBartolo Corporation, the owner and developer of Gulf View Square Mall, respectively, and Pasco County, dispute the Department's claim and contend that the Development Order makes adequate provision for the transportation facilities needed to accommodate the transportation impacts of the DRI; that the approximately 40-acre parcel should not be required to undergo development of regional impact review; and that the Development Order complies with all applicable provisions of Chapter 9J-2, Florida Administrative Code, and Subsections 380.06(14) and (15), Florida Statutes, or that any noncompliance is harmless; and

WHEREAS, to avoid the expense and uncertainty of litigation, the Department, the County Staff, the Owner, and the Developer, negotiated and reached agreement as to specific revisions which, if adopted by the Board of County Commissioners, would satisfy the Department that adequate provision has been made for the public transportation facilities needed to accommodate the transportation impacts of the DRI; that further development of the approximately 40-acre parcel shall require development of regional impact review of the area to be developed; and that the Development Order complies with all applicable provisions of Chapter 9J-2, Florida Administrative Code, and Subsections 380.06(14) and (15), Florida Statutes; and

Now, Therefore, be it resolved by the Board of County Commissioners of Pasco County in regular session duly assembled this 4th day of February, 1992, that:

1. The following findings of fact are made:

a. The amendments to the Development Order, attached hereto as Exhibit "1", do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.

b. All statutory procedures and procedures required by agency rule have been adhered to.

c. All findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. The Development Order is hereby amended as shown in Exhibit "1" attached hereto and made a part hereof.

3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

4. The Developer shall record a Notice of Adoption of this Resolution in accordance with Subsection 380.06(15)(f), Florida Statutes.

5. The Development Order shall become effective upon rendition by Pasco County in accordance with Section 380.06, Florida Statutes.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail, to the Department, TBRPC, the Developer, and any other recipients specified by statute or rule.

DONE AND RESOLVED this 4th day of February, 1992.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By Donald Schmidt

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: [Signature]
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 19th day of Feb 1992

JED PITTMAN, CLERK TO THE BOARD

BY: Donald Schmidt D.C.

EXHIBIT "1"

BY COMMISSIONER _____

RESOLUTION NO. 92127

GULF VIEW SQUARE MALL DEVELOPMENT
ORDER AMENDMENT DEVELOPMENT OF RE-
GIONAL IMPACT NO. 39

WHEREAS, on November 26, 1974, the Board of County Commissioners of Pasco County adopted a Development of Regional Impact Development Order approving, with conditions, the Gulf View Square Mall Development of Regional Impact governing the real property described and shown in Exhibits "A" and "B", respectively, attached hereto, and

WHEREAS, the above-stated Development Order expired January 1, 1980, and

WHEREAS, the Owner, Developer, Gulf View Associates, Inc., entered into a Preliminary Development Agreement on September 21, 1989, with the Florida Department of Community Affairs and Pasco County to construct Phase I of the proposed expansion consisting of 107,206 square feet of gross leasable area (GLA) (113,400 square feet of gross floor area (GFA)) on the existing site. The Preliminary Development Agreement stipulated that the Developer file an Amended Application for Development Approval to assess the impacts of the proposed expansion, and

WHEREAS, on January 4, 1990, the Developer, The Edward J. DeBartolo Corporation, met with the Tampa Bay Regional Planning Council for a preapplication conference, and

WHEREAS, the parties agreed that the following review questions must be addressed in the Application for Development Approval:

12. Project Description
13. Air
21. Wastewater
23. Water Supply
24. Solid Waste
25. Energy
31. Transportation

and,

WHEREAS, the Developer filed the required Amended Application for Development Approval March 4, 1990, seeking to extend the Development Order to December 31, 1993, in order to complete the remaining 333,352 square feet GLA of development contemplated in the original Development Order, and

WHEREAS, the Amended Application consists of the application and all sufficiency responses, attached as Exhibit "C" and incorporated hereto by reference, and

WHEREAS, on November 26, 1974, a Development Order was issued by the County for Development of Regional Impact (DRI) No. 39, which approved a regional shopping center known as the Gulf View Square Mall, on the land described in Exhibit A, and which the Development Order authorized the development of up to 1,050,000 square feet of gross leasable area (GLA) (1,159,156 square feet GFA). Prior to the PDA development, 716,648 square feet GLA (809,136 square feet GFA) with 4,8768 parking spaces had been constructed, which amount includes approved general commercial development along U.S. 19, and

WHEREAS, the Developer proposed to expand the existing development to include an additional 333,352 square feet GLA (350,020 square feet GFA) of commercial development within the existing 110 acres and provide 372 additional parking spaces in two phases to be completed by December 31, 1995, and

WHEREAS, Phase I of the expansion consisting of 107,206 square feet GLA (113,400 GFA) was constructed under a Preliminary Development Agreement on approximately 13 acres of land-~~described in Exhibit-B attached hereto~~, and

WHEREAS, the Tampa Bay Regional Planning Council has reviewed the Amended Application for Development Approval and adopted a Final Report on April 8, 1991, attached as Exhibit "D" and incorporated hereto by reference, and

WHEREAS, Pasco County has given notice and held a public hearing on the subject application on June 25, 1991, and

WHEREAS, the Pasco County Planning and Zoning Department is recommending approval of the amendment subject to conditions consistent with the Tampa Bay Regional Planning Council DRI Final Report dated April 8, 1991, and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled this 25th day of June, 1991, that:

The above-referenced Amended Application for Development Approval is approved with conditions, as set forth in the following Development Order which is hereby adopted by the Pasco County Board of County Commissioners.

GULF VIEW SQUARE MALL DEVELOPMENT OF
REGIONAL IMPACT (DRI NO. 39) DEVELOPMENT ORDER

A. Findings of Fact

The Pasco County Board of County Commissioners makes the following findings of fact and conclusions of law:

1. The Edward J. DeBartolo Corporation, Gulf-View Associates, hereinafter referred to as Applicant or Developer of the property described and shown in Exhibits "A" and "B", respectively, has filed an Amended Application for Development Approval, hereinafter referred to as the AADA, for the Gulf View Square Mall Development of Regional Impact (DRI No. 39).
2. The Board of County Commissioners of Pasco County is the local government governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended.
3. The Developer has submitted simultaneously to Pasco County, the Department of Community Affairs, and the Tampa Bay Regional Planning Council an AADA pursuant to a substantial deviation determination consistent with Section 380.06(19), Florida Statutes.
4. On April 8, 1991, the Tampa Bay Regional Planning Council adopted and transmitted a Final Report to Pasco County, and in so doing, instructed Pasco County to set a public hearing for said application.
5. Pasco County has given 60 day's notice and scheduled a public hearing pursuant to Section 380.06(11), Florida Statutes.
6. The Tampa Bay Regional Planning Council has recommended approval of the application subject to conditions addressing the issues of project description, air quality, wastewater, water supply, solid waste, energy, and transportation.
7. The Board of County Commissioners of Pasco County has held a public hearing on June 25, 1991.
8. At the public hearings, all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence.
9. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present oral or written comment.
10. The Board of County Commissioners has received and considered the recommendations of the Pasco County Planning and Zoning Department and the Tampa Bay Regional Planning Council on the application.
11. All development will occur in accordance with the application and this resolution.
12. The nature, type, scope, intensity, density, costs, and general impact of the project is that which is summarized in the application and associated correspondence, attached hereto and incorporated by reference herein. The Tampa Bay Regional Planning Council's Final DRI Report is also incorporated into this Development Order as Exhibit C.
- ~~13. The land uses proposed in the application are consistent with the Pasco County Comprehensive Plan and the Land Development Code, as amended.~~
- 13~~1~~4. The authorized agent for the Developer Gulf-View Square-Mall is Dick A. Greco, Jr., Vice President, The Edward J.

DeBartolo Corporation, Ashley--Tower,---100 South Ashley Drive, Suite 1255, Tampa, Florida 33602.

B. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

1. The proposed changes to the Gulf View Square Mall Development of Regional Impact constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

2. The Gulf View Square Mall will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan applicable to the area, the Regional Policy Plan, or the local Comprehensive Plan.

3. The Development is consistent with the State Comprehensive Plan, the adopted Pasco County Comprehensive Plan and the Pasco County Land Development Code.

43. The proposed development, as conditioned by this resolution, is consistent with the Tampa Bay Regional Planning Council's Final DRI Report dated April 8, 1991.

54. The impacts of the proposed development are adequately addressed by the conditions of this resolution pursuant to Section 380.06, Florida Statutes.

65. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

C. Specific Conditions Restricting Development

~~1.---Except as amended herein, all previous Development Orders and amendments remain in full force and effect.~~

12. Phasing schedule and approvals.

a. Development of the Gulf View Square Mall shall proceed in accordance with the phasing schedule shown in Table 1 below.

b. Specific approval with conditions is hereby granted for Gulf View Square Mall Phase I expansion, and conceptual approval is hereby granted for Phase II. Specific approval for Phase II is shall be subject to additional review of air quality and transportation impacts by Pasco County and the Tampa Bay Regional Planning Council pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order in accordance with Section 380.06(19)(f), Florida Statutes.

Table 1
Gulf View Square Mall DRI No. 39
Phasing Schedule

<u>Project</u>	<u>Gross Leasable Area</u>	<u>Gross Floor Area</u>	<u>Buildout Date</u>
Existing Mall	716,648	809,136	1980
Phase I Expansion	107,206	113,400	1990
Phase II Expansion	226,146	236,620	1995

23. Project Description.

The existing project is a 110-acre regional commercial retail development located approximately two miles south of the U.S. 19 and S.R. 52 intersection, and one mile north of the City of Port Richey.

The original Development Order was approved by Pasco County on November 26, 1974, and authorized development for up to

1,050,000 square feet gross leasable area (GLA) (1,159,156 square feet of gross floor area (GFA)). Of that, 716,648 square feet GLA (809,136 square feet GFA) and 4,878 parking spaces have been constructed along with 107,206 square feet GLA (113,400 square feet GFA) constructed as the result of a Preliminary Development Agreement for Phase I. Phase II will consist of an additional 226,146 square feet GLA (236,620 242,814-square feet GFA) and 372 parking spaces.--The exact placement of this phase on site has not been determined by the Applicant.

a. ---Conditions:

~~(1) --The Developer shall, within 45 days of the approval of this Development Order, submit a revised site plan which accurately depicts the current development along with the proposed Phase II development concept.~~

a. Revised Map H, attached hereto as Exhibit "B", depicts both the existing development and the proposed Phase II development.

b. Specific approval of Phase II of this Development is subject to further review by Pasco County, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs, of transportation and air quality impacts of Phase II development, pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order in accordance with Section 380.06(19)(f), Florida Statutes. In addition, specific approval of the two (2) Phase II outparcels depicted on revised Map H, attached hereto as Exhibit "B" (the "Outparcels"), is subject to further review by Pasco County, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs of the impacts of development of the Outparcels on vegetation and wildlife, wetlands, groundwater, soils, floodplains, stormwater management, and historical and archaeological sites, pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order in accordance with Section 380.06(19)(f), Florida Statutes.

34. Transportation.

The transportation impacts of Phase I are documented in the Application for Development Approval. The following improvements shall be constructed or caused to be constructed by the Developer to mitigate the transportation impacts of Phase I.

a. Conditions.

(1) Within one year of the adoption of this Development Order or prior to the issuance of any permits for Phase II, whichever occurs first, the Developer shall design, permit, and construct eastbound dual left turn lanes and westbound dual left turn lanes at the intersections of Access B and Embassy Boulevard with U.S. 19. This site-related improvement shall not qualify for impact fee credits.

(2) Beginning with the required 1992 Annual Report, the Developer shall include in this and all subsequent annual reports through buildout peak hour traffic counts at all project entrances to verify that the projected number of external trips for the development are not exceeded. If an annual report indicates that the total peak hour trips exceed projected counts, the County shall conduct a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes, and amend the Development Order to institute a cure. If the difference between projections and actual counts constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes, then the resultant required traffic analysis shall be based on agreements reached at a transportation methodology meeting with the Applicant, Tampa Bay Regional Planning Council, and Pasco County.

(3) Within one year of the rendering of this resolution, the Developer shall prepare and implement a Transportation System Management Plan (TSM) with the prime goal to divert pm peak hour trips. The Developer shall provide in DRI annual reports an analysis

of the TSM implementation plan's effectiveness in diverting pm peak hour trips.

b. Specific approval of Phase II of this Development is subject to further review by Pasco County, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs, of transportation impacts of Phase II development, pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order in accordance with Section 380.06(19)(f), Florida Statutes. The Amended Development Order shall specify the measures which must be implemented to mitigate or cure those impacts.

45. Public Facilities.

Adequate potable water supply and wastewater capacity exists for the Phase I expansion. Prior to specific approval for Phase II, the Developer shall confirm system capacity with the Pasco County Utilities Services Branch.

a. Conditions - Wastewater.

(1) Irrigation shall be from reuse of treated effluent when available and as permitted by appropriate regulatory agencies.

(2) There shall be no disposal of nondomestic waste into the sewer system.

b. Conditions - Water Supply.

The Developer shall comply with Section 553.14, Florida Statutes, (Florida Water Conservation Act) and shall install water-saving fixtures throughout the expansion area.

c. Conditions - Solid Waste.

(1) The Developer shall supply all Phase 1 and Phase 2 tenants with the Tier One, Emergency and Hazardous Chemical Inventory forms, instructions, and the organization call list for hazardous chemical accidents.

(2) The collection, transportation, and disposal of solid waste is controlled by County ordinances and shall take place in accordance with the terms of said ordinances.

(3) The Developer shall provide documentation in each annual report that any hazardous wastes generated or used on-site by tenants are being handled pursuant to applicable rules and regulations.

d. Conditions - Energy.

(1) The development shall incorporate the energy conservation measures referenced on Pages 26-6 through 25-10 of the AADA.

(2) The Developer shall include in each annual report an analysis of the effectiveness of energy conservation programs and recycling efforts.

56. Environment and Natural Resources.

a. Conditions - Air Quality.

The project's impact on air quality is well-documented in the AADA and shall require annual monitoring to further evaluate these impacts.

(1) Within one year of the adoption of this resolution or prior to the issuance of any permits for Phase II, whichever occurs first, the Developer shall design, permit, and construct eastbound dual left turn lanes and westbound dual left turn

lanes at the intersections of Access B and Embassy Boulevard with U.S. 19. This site-related improvement shall not qualify for impact fee credits.

(2) The Developer shall provide to the County, within 60 days of written request, a temporary easement not to exceed 1,000 square feet in a location agreeable to both the County and the Developer for the placement and operation of an air quality monitoring device if and when the County requires same. The placement and operation of the device shall not unreasonably disrupt the function or aesthetics of the surrounding parking area. The County or other entity operating the device shall assume all risk and liability in doing so, and the Developer shall be held harmless due to accident, injury, or other calamity directly attributable to the placement and operation of the device. The Developer shall not unreasonably withhold said easement, and the County or other responsible entity shall make all reasonable effort to comply with the Developer's concerns regarding placement and site buffering.

(3) The Developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled.

(4) The Developer shall comply with the 1990 Florida Clean Outdoor Air Law and shall inform tenants of the law's provisions.

(5) Specific approval of Phase II of this development is subject to shall-require-further review by Pasco County, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs, of air quality impacts of Phase II development, analysis pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order in accordance with Section 380.06(19)(f), Florida Statutes to identify the impacts of further expansion on the region's air quality. The Amended Development Order shall specify the measures which must be implemented to mitigate or cure those impacts.

67. Duration of this Development Order.

This Development Order shall take effect upon the expiration of the appeal period provided for in 380.07, Florida Statutes, as amended, and shall expire on December 31, 1995-1999. Any development beyond this date shall require review pursuant to 380.06(19), Florida Statutes. The Development shall not be subject to downzoning, density reduction or intensity reduction until January 1, 2000, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the County to be essential to the public health, safety or welfare.

78. Annual Reports/Monitoring.

The Developer shall be responsible for providing an annual report on Florida Department of Community Affairs Form RPM-BSP-ANNUAL REPORT-1 BEWM-07-85 to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and the Pasco County Planning and Zoning Department on the Development Order anniversary date of each year. The annual report shall also include information pertinent to the above Development Order conditions. The local government may request additional information to the extent necessary to perform the annual monitoring function. The County Administrator or his/her authorized designee shall be responsible for monitoring the Development and insuring its compliance with this Development Order.

89. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section,

subsection, sentence, clause, or provision of this resolution is held invalid, the remainder of the resolution shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

DONE AND RESOLVED this 4th day of September, 1992.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By: Donald Schmidt

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: [Signature]
ATTORNEY

EXHIBIT "A"
(Legal Description of DRI)

GULF VIEW SQUARE

TOTAL DRI PARCEL

110.001 ACRES

A tract of land lying in the Southwest 1/4 of Section 21, Township 25 South, Range 16 East, Pasco County, Florida, further described as follows:

For a point of reference commence at the North 1/4 corner of said Section 21, thence S 00° 29' 39" W along the east line of the Northwest 1/4 of said Section 21, 1,678.87 feet to a point on the westerly right-of-way line of U.S. Highway 19 (S.R. 55) as now established; thence S 28° 38' 51" W along said westerly right-of-way line 1,148.01 feet to the principal point and place of beginning of the following description:

Thence continuing along said westerly right-of-way line S 28° 38' 51" W, a distance of 1,520.00 feet to a point; thence leaving said right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence S 61° 21' 09" E, a distance of 243.00 feet to a point on the westerly right-of-way line of U.S. Highway No. 19 (S.R. #55); thence along said westerly right-of-way line S 28° 38' 51" W, a distance of 230.00 feet to a point; thence leaving said westerly right-of-way line N 61° 21' 09" W, a distance of 243.00 feet to a point; thence S 28° 38' 51" W, a distance of 120.00 feet to a point; thence 147.90 feet along an arc to the left having a radius of 361.37 feet and a chord of 146.87 feet, bearing N 73° 04' 39" W to a point of reverse curvature; thence 290.34 feet along an arc to the right having a radius of 709.39 feet and a chord of 288.32 feet bearing N 73° 04' 39" W to a point; thence N 61° 21' 09" W, a distance of 563.86 feet to a point; thence 392.07 feet along an arc to the left having a radius of 805.59 feet and a chord of 388.21 feet bearing N 75° 17' 43" W to a point; thence N 89° 14' 16" W, a distance of 550.80 feet to a point; thence N 28° 38' 51" E, a distance of 2,350.00 feet to a point; thence S 89° 14' 16" E, a distance of 587.75 feet to a point; thence 392.07 feet along an arc to the right having a radius of 805.59 feet and chord of 388.21 feet bearing S 75° 17' 43" E to a point; thence S 61° 21' 09" E, a distance of 706.64 feet to a point; thence 193.66 feet along an arc to the right having a radius of 315.10 feet and a chord of 190.63 feet bearing S 43° 44' 42.5" E to a point; thence S 26° 08' 16" E, a distance of 392.74 feet to the principal point and place of beginning and containing 110.001 acres of land more or less.

Exhibit "B"

{Legal-Description-of-PDA}

Revised Map H

[NOTE: The Map adopted as part of the Development Order approved on June 25, 1991 is superseded by Revised Map H as revised in October, 1991 and December, 1991 (see next page).]

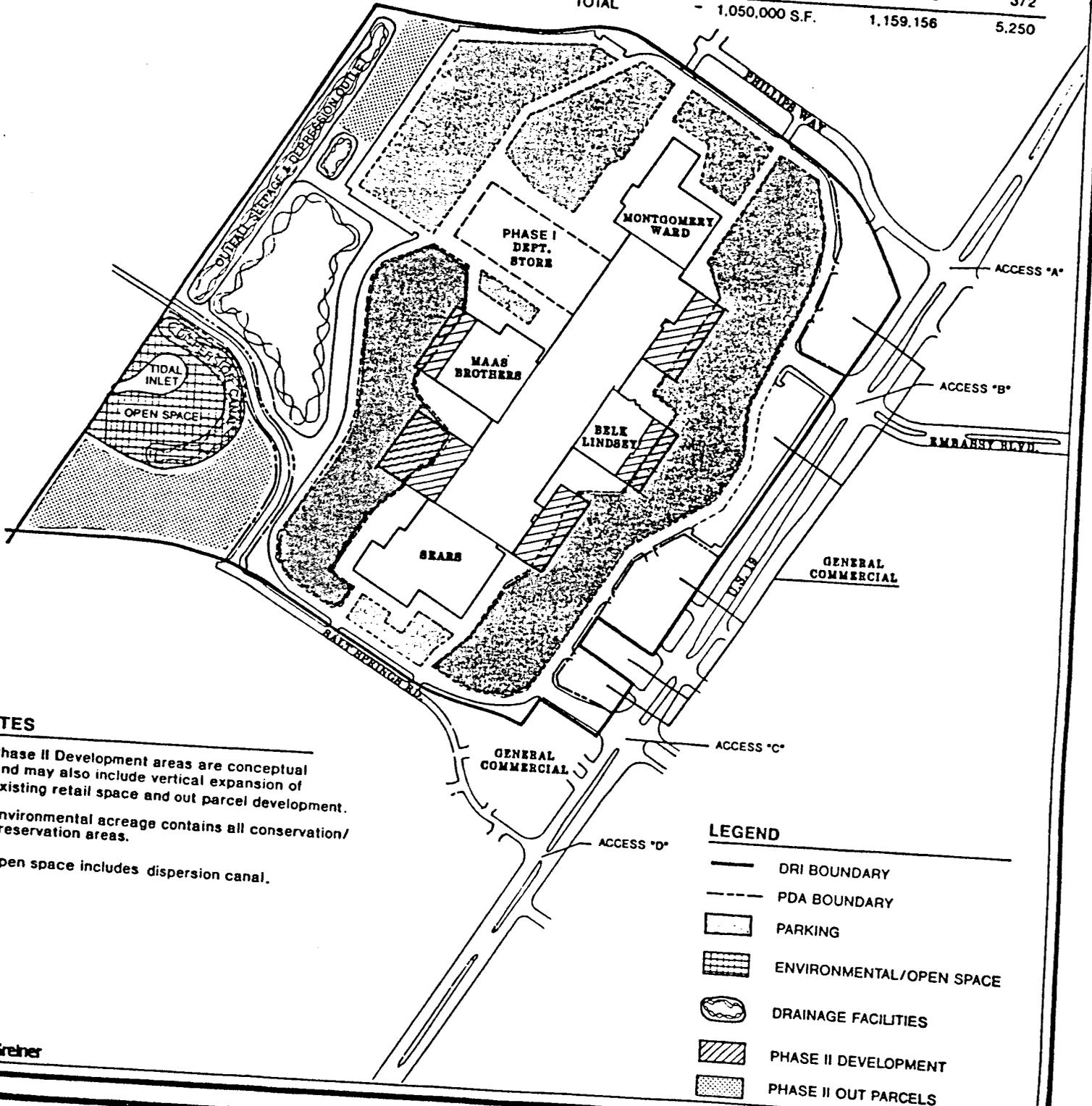
EXHIBIT "B"

LAND USE SCHEDULE

RETAIL	106.70 ACRES ¹
ENVIRONMENTAL	.97 ACRES ²
OPEN SPACE	2.33 ACRES ³
TOTAL:	110.00 ACRES

DEVELOPMENT SCHEDULE

	Gross Leasable Area	Gross Building Area	Parking
EXISTING	- 716,648 S.F.	809,136	4,878
1990 PHASE I	- 107,206 S.F.	113,400	0
1995 PHASE II	- 226,146 S.F.	236,620	372
TOTAL	- 1,050,000 S.F.	1,159,156	5,250



NOTES

1. Phase II Development areas are conceptual and may also include vertical expansion of existing retail space and out parcel development.
2. Environmental acreage contains all conservation/preservation areas.
3. Open space includes dispersion canal.

LEGEND

- DRI BOUNDARY
- PDA BOUNDARY
- PARKING
- ENVIRONMENTAL/OPEN SPACE
- DRAINAGE FACILITIES
- PHASE II DEVELOPMENT
- PHASE II OUT PARCELS

Greiner

**GULF VIEW SQUARE MALL
MASTER DEVELOPMENT PLAN**



NOT TO SCALE

MAP H

REVISED: 12/90
10/91
12/91

Exhibit "C"

Amended Application for Development
Approval, Sufficiency Responses, and
Associated Correspondence (the File)

Exhibit "D"
(TBRPC Final Report)



PASCO COUNTY, FLORIDA

PASCO COUNTY PLANNING DEPARTMENT
7432 LITTLE ROAD
NEW PORT RICHEY, FLORIDA 34654
(813) 847-8140

CERTIFIED MAIL
NO. P280 719 500

July 3, 1991

Suzanne Cooper, AICP
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702

Re: Gulf View Square Mall Development Order

Dear Suzanne:

Please find attached a certified copy of Resolution 91-314 and the requisite Notice of Adoption for the Gulf View Square Mall Substantial Diviation.

Sincerely,

A handwritten signature in cursive script that reads "Dean R. Neal".

Dean R. Neal
Senior Planner
DRI Coordinator

DRN/pm

Attachment

cc: Marina-Gonzalez-Pennington, DCA
Thomas Marsicano, Greiner, Inc.

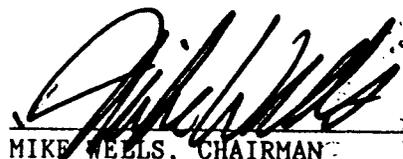
mailed July 3, 1991
received July 8, 1991

NOTICE OF ADOPTION OF A SUBSTANTIAL DEVIATION AMENDMENT TO THE DEVELOPMENT ORDER FOR THE GULF VIEW SQUARE MALL DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 91-314 dated June 25, 1991, has adopted an amendment to the Development Order for a Development of Regional Impact known as Gulf View Square Mall. The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

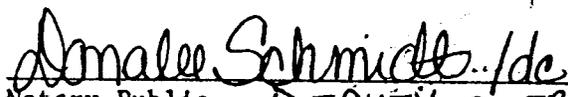
A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "A" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.


MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 25th day of June, 1991.


~~Notary Public~~ DEPUTY CLERK
~~State of Florida at Large~~
~~My Commission Expires:~~

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney


Attorney

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORDED IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 26th day of June 1991
JUD PITTMAN, CLERK TO THE BOARD
BY Donalee Schmidt D.C.
gulf02:pl

STATE OF FLORIDA
COUNTY OF PASCO

I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD
FILED IN THE COUNTY CLERK'S OFFICE OF THE COUNTY
OF PASCO, FLORIDA, ON 26th day of June 1991
AT THE CITY OF PASCO, FLORIDA, TO THE BOARD

GULF VIEW SQUARE MALL DEVELOPMENT
ORDER AMENDMENT DEVELOPMENT OF RE-
GIONAL IMPACT NO. 39

BY Donald Schmidt D.C.

WHEREAS, on November 26, 1974, the Board of County Commissioners of Pasco County adopted a Development of Regional Impact Development Order approving, with conditions, the Gulf View Square Mall Development of Regional Impact governing the real property described in Exhibit "A" attached hereto, and

WHEREAS, the above-stated Development Order expired January 1, 1980, and

WHEREAS, the Developer, Gulf View Associates, Inc., entered into a Preliminary Development Agreement on September 21, 1989, with the Florida Department of Community Affairs and Pasco County to construct Phase I of the proposed expansion consisting of 107,206 square feet GLA on the existing site. The Preliminary Development Agreement stipulated that the Developer file an Amended Application for Development Approval to assess the impacts of the proposed expansion, and

WHEREAS, on January 4, 1990, the Developer met with the Tampa Bay Regional Planning Council for a preapplication conference, and

WHEREAS, the parties agreed that the following review questions must be addressed in the Application for Development Approval:

12. Project Description
13. Air
21. Wastewater
23. Water Supply
24. Solid Waste
25. Energy
31. Transportation

and,

WHEREAS, the Developer filed the required Amended Application for Development Approval March 4, 1990, seeking to extend the Development Order to December 31, 1995, in order to complete the remaining 333,352 square feet GLA of development contemplated in the original Development Order, and

WHEREAS, the Amended Application consists of the application and all sufficiency responses, attached as Exhibit "C" and incorporated hereto by reference, and

WHEREAS, on November 26, 1974, a Development Order was issued by the County for Development of Regional Impact (DRI) No. 39, which approved a regional shopping center known as the Gulf View Square Mall, on the land described in Exhibit A, and which the Development Order authorized the development of up to 1,050,000 square feet of gross leasable area (GLA). Prior to the PDA development, 716,648 square feet GLA (809,136 square feet GFA) with 4,878 parking spaces had been constructed, which amount includes approved general commercial development along U.S. 19, and

WHEREAS, the Developer proposes to expand the existing development to include an additional 333,352 square feet GLA (350,020 square feet GFA) of commercial development within the existing 110 acres and provide 372 additional parking spaces in two phases to be completed by December 31, 1995, and

WHEREAS, Phase I of the expansion consisting of 107,206 square feet GLA (113,400 GFA) was constructed under a Preliminary Development Agreement on approximately 13 acres of land described in Exhibit B attached hereto, and

WHEREAS, the Tampa Bay Regional Planning Council has reviewed the Amended Application for Development Approval and adopted a Final Report on April 8, 1991, attached as Exhibit "D" and incorporated hereto by reference, and

WHEREAS, Pasco County has given notice and held a public hearing on the subject application on June 25, 1991, and

WHEREAS, the Pasco County Planning and Zoning Department is recommending approval of the amendment subject to conditions consistent with the Tampa Bay Regional Planning Council DRI Final Report dated April 8, 1991, and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled this 25th day of June, 1991, that:

The above-referenced Amended Application for Development Approval is approved with conditions, as set forth in the following Development Order which is hereby adopted by the Pasco County Board of County Commissioners.

GULF VIEW SQUARE MALL DEVELOPMENT OF
REGIONAL IMPACT (DRI NO. 39) DEVELOPMENT ORDER

A. Findings of Fact

The Pasco County Board of County Commissioners makes the following findings of fact and conclusions of law:

1. The Gulf View Associates, hereinafter referred to as Applicant or Developer of the property described in Exhibit A, has filed an Amended Application for Development Approval, hereinafter referred to as the AADA, for the Gulf View Square Mall Development of Regional Impact (DRI No. 39).
2. The Board of County Commissioners of Pasco County is the local government governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended.
3. The Developer has submitted simultaneously to Pasco County, the Department of Community Affairs, and the Tampa Bay Regional Planning Council an AADA pursuant to a substantial deviation determination consistent with Section 380.06(19), Florida Statutes.
4. On April 8, 1991, the Tampa Bay Regional Planning Council adopted and transmitted a Final Report to Pasco County, and in so doing, instructed Pasco County to set a public hearing for said application.
5. Pasco County has given 60 day's notice and scheduled a public hearing pursuant to Section 380.06(11), Florida Statutes.
6. The Tampa Bay Regional Planning Council has recommended approval of the application subject to conditions addressing the issues of project description, air quality, wastewater, water supply, solid waste, energy, and transportation.
7. The Board of County Commissioners of Pasco County has held a public hearing on June 25, 1991.
8. At the public hearings, all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence.
9. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present oral or written comment.
10. The Board of County Commissioners has received and considered the recommendations of the Pasco County Planning and Zoning Department and the Tampa Bay Regional Planning Council on the application.
11. All development will occur in accordance with the application and this resolution.
12. The nature, type, scope, intensity, density, costs, and general impact of the project is that which is summarized in the application and associated correspondence, attached hereto and incorporated by reference herein. The Tampa Bay Regional Planning Council's Final DRI Report is also incorporated into this Development Order as Exhibit C.
13. The land uses proposed in the application are consistent with the Pasco County Comprehensive Plan and the Land Development Code, as amended.
14. The authorized agent for the Gulf View Square Mall is Dick A. Greco, Jr., Vice President, The Edward J. DeBartolo Corporation, Ashley Tower, 100 South Ashley Drive, Suite 1255, Tampa, Florida 33602.

B. Conclusions of Law

The Board of County Commissioners hereby finds as follows:

1. The proposed changes to the Gulf View Square Mall Development of Regional Impact constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
2. The Gulf View Square Mall will not unreasonably interfere with the achievement of the objectives of the State Land Development Plan, the Regional Policy Plan, or the local Comprehensive Plan.

3. The proposed development, as conditioned by this resolution, is consistent with the Tampa Bay Regional Planning Council's Final DRI Report dated April 8, 1991.

4. The impacts of the proposed development are adequately addressed by the conditions of this resolution pursuant to Section 380.06, Florida Statutes.

5. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

C. Specific Conditions Restricting Development

1. Except as amended herein, all previous Development Orders and amendments remain in full force and effect.

2. Phasing schedule and approvals.

a. Development of the Gulf View Square Mall shall proceed in accordance with the phasing schedule shown in Table 1 below.

b. Specific approval with conditions is hereby granted for Gulf View Square Mall Phase I expansion, and conceptual approval is hereby granted for Phase II. Specific approval for Phase II shall be subject to additional review of air quality and transportation impacts by Pasco County and the Tampa Bay Regional Planning Council.

Table 1
Gulf View Square Mall DRI No. 39
Phasing Schedule

<u>Project</u>	<u>Gross Leasable Area</u>	<u>Buildout Date</u>
Existing Mall	716,648	1980
Phase I Expansion	107,206	1990
Phase II Expansion	226,146	1995

3. Project Description.

The existing project is a 110-acre regional commercial retail development located approximately two miles south of the U.S. 19 and S.R. 52 intersection, and one mile north of the City of Port Richey.

The original Development Order was approved by Pasco County on November 26, 1974, and authorized development for up to 1,159,156 square feet of gross floor area. Of that, 809,136 square feet and 4,878 parking spaces have been constructed along with 107,206 square feet constructed as the result of a Preliminary Development Agreement for Phase I. Phase II will consist of an additional 242,814 square feet. The exact placement of this phase on site has not been determined by the Applicant.

a. Conditions.

(1) The Developer shall, within 45 days of the approval of this Development Order, submit a revised site plan which accurately depicts the current development along with the proposed Phase II development concept.

4. Transportation.

The transportation impacts of Phase I are documented in the Application for Development Approval. The following improvements shall be constructed or caused to be constructed by the Developer to mitigate the transportation impacts of Phase I.

a. Conditions.

(1) Within one year of the adoption of this Development Order or prior to the issuance of any permits for Phase II, whichever occurs first, the Developer shall design, permit, and construct eastbound dual left turn lanes and westbound dual left turn lanes at the intersections of Access B and Embassy Boulevard with U.S. 19. This site-related improvement shall not qualify for impact fee credits.

(2) Beginning with the required 1992 Annual Report, the Developer shall include in this and all subsequent annual reports through buildout peak hour traffic counts at all project entrances to verify that the projected number of external trips for the development are not exceeded. If an annual report indicates that the total peak hour trips exceed projected counts, the County shall conduct a substantial deviation

determination pursuant to Section 380.06(19), Florida Statutes, and amend the Development Order to institute a cure. If the difference between projections and actual counts constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes, then the resultant required traffic analysis shall be based on agreements reached at a transportation methodology meeting with the Applicant, Tampa Bay Regional Planning Council, and Pasco County.

(3) Within one year of the rendering of this resolution, the Developer shall prepare and implement a Transportation System Management Plan (TSM) with the prime goal to divert pm peak hour trips. The Developer shall provide in DRI annual reports an analysis of the TSM implementation plan's effectiveness in diverting pm peak hour trips.

5. Public Facilities.

Adequate potable water supply and wastewater capacity exists for the Phase I expansion. Prior to specific approval for Phase II, the Developer shall confirm system capacity with the Pasco County Utilities Services Branch.

a. Conditions - Wastewater.

(1) Irrigation shall be from reuse of treated effluent when available and as permitted by appropriate regulatory agencies.

(2) There shall be no disposal of nondomestic waste into the sewer system.

b. Conditions - Water Supply.

The Developer shall comply with Section 553.14, Florida Statutes, (Florida Water Conservation Act) and shall install water-saving fixtures throughout the expansion area.

c. Conditions - Solid Waste.

(1) The Developer shall supply all Phase 1 and Phase 2 tenants with the Tier One, Emergency and Hazardous Chemical Inventory forms, instructions, and the organization call list for hazardous chemical accidents.

(2) The collection, transportation, and disposal of solid waste is controlled by County ordinances and shall take place in accordance with the terms of said ordinances.

(3) The Developer shall provide documentation in each annual report that any hazardous wastes generated or used on-site by tenants are being handled pursuant to applicable rules and regulations.

d. Conditions - Energy.

(1) The development shall incorporate the energy conservation measures referenced on Pages 26-6 through 25-10 of the AADA.

(2) The Developer shall include in each annual report an analysis of the effectiveness of energy conservation programs and recycling efforts.

6. Environment and Natural Resources.

a. Conditions - Air Quality.

The project's impact on air quality is well-documented in the AADA and shall require annual monitoring to further evaluate these impacts.

(1) Within one year of the adoption of this resolution or prior to the issuance of any permits for Phase II, whichever occurs first, the Developer shall design, permit, and construct eastbound dual left turn lanes and westbound dual left turn lanes at the intersections of Access B and Embassy Boulevard with U.S. 19. This site-related improvement shall not qualify for impact fee credits.

(2) The Developer shall provide to the County, within 60 days of written request, a temporary easement not to exceed 1,000 square feet in a location agreeable to both the County and the Developer for the placement and operation of an air quality monitoring device if and when the County requires same. The placement and operation of the device shall not unreasonably disrupt the function or aesthetics of the surrounding parking area. The County or other entity operating the device shall assume all

risk and liability in doing so, and the Developer shall be held harmless due to accident, injury, or other calamity directly attributable to the placement and operation of the device. The Developer shall not unreasonably withhold said easement, and the County or other responsible entity shall make all reasonable effort to comply with the Developer's concerns regarding placement and site buffering.

(3) The Developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled.

(4) The Developer shall comply with the 1990 Florida Clean Outdoor Air Law and shall inform tenants of the law's provisions.

(5) Specific approval of Phase II of this development shall require further air quality analysis pursuant to Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of further expansion on the region's air quality. The Amended Development Order shall specify the measures which must be implemented to mitigate or cure these impacts.

7. Duration of this Development Order.

This Development Order shall take effect upon the expiration of the appeal period provided for in 380.07, Florida Statutes, as amended, and shall expire on December 31, 1995. Any development beyond this date shall require review pursuant to 380.06(19), Florida Statutes.

8. Annual Reports.

The Developer shall be responsible for providing an annual report on Florida Department of Community Affairs Form BLWM-07-85 to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and the Pasco County Planning and Zoning Department on the Development Order anniversary date of each year. The annual report shall also include information pertinent to the above Development Order conditions. The local government may request additional information to the extent necessary to perform the annual monitoring function.

9. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this resolution is held invalid, the remainder of the resolution shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

DONE AND RESOLVED this 25th day of June, 1991.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By: Donald Schmidt
APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: _____
ATTORNEY

Exhibit "A"
(Legal Description of DRI)

Exhibit "B"

(Legal Description of PDA)

Exhibit "C"

Amended Application for Development
Approval, Sufficiency Responses, and
Associated Correspondence (the File)

Exhibit "D"
(TBRPC Final Report)