



MI #229 TB-  
MANATEE COUNTY PT-  
GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

January 28, 1998

CERTIFIED MAIL  
P 368 650 184

Ms. Julia Greene  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Re: Development Order for Gulf Coast Factory Shops DRI

Dear Ms. Greene:

Enclosed is a corrected copy of Ordinance 97-78, the development order for Gulf Coast Factory Shops, as adopted in open session by the Manatee County Board of County Commissioners on December 16, 1997, as required by Rule 9J-2.025(5), Florida Administrative Code. This corrected document reflects the action taken by the Board at the December 16, 1997 meeting.

The changes include the deletion of Definition P on page 4 and modifications to Condition B(4). on page 6.

All other terms and conditions of the Development remain the same as previously rendered.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6834.

Sincerely,

*Norm Luppino*

Norman Luppino  
Principal Planner

NL/jy  
Enclosure

ORDINANCE NO. 97-78

DEVELOPMENT OF REGIONAL IMPACT

DRI # 23, GULF COAST FACTORY SHOPS

FILED FOR RECORD  
[Dec 31] 2 05 PM '97

SECRETARY

Dec 26 2 05 PM '97

FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A 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; ALSO KNOWN AS DRI #229; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; 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 of 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\*;

WHEREAS, the described project\* lies within the unincorporated area of Manatee County;

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;

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 for a DRI;

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

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

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

WHEREAS, the Board of County Commissioners held duly noticed public hearings on November 25, 1997 and December 16, 1997 on the ADA 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 16TH DAY OF DECEMBER, 1997, 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), 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:

Ordinance 97-78 - Gulf Coast Factory Shops DRI #23

- 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 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 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 11, 1997, following a public hearing.
- E. The BOCC held public hearings on November 25, 1997 and December 16, 1997 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 Development Order is issued based on information provided by the Developer in the ADA (as amended and their sufficiency responses); 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 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 Kemper, 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, and this Development Order.

## **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.
- 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. 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.

## **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.
- 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.**

##### **DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.**

- A(1). This Development Order approval shall constitute approval of the ADA 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	1 A Addition	1 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, 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 right-of-way, to 60th Avenue East 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).
  - 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.
    - (3) Signalize the intersection of 60th Avenue East and Factory Shops Boulevard.
    - (4) Extend box culvert on the east side of 60th Avenue East to the north to allow for the alignment of the east approach of the intersection with 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.

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).

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 1-B. Contributions which are made by this developer, for this improvement, including engineering and design fees, shall be fully credited against impact fees, including engineering and design 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. The TSM program shall be developed in cooperation with Manatee County, the Florida Department of Transportation (FDOT), the Sarasota Manatee MPO, and TBRC 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, FAC, 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). Sewer 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, TBRC, DCA, and other agencies as may be appropriate, on the anniversary of the effective date of this Development Order 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, TBRC, 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. 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 TBRC.

## **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 THIS THE 16TH DAY OF DECEMBER, 1997.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass  
Chairman

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

BY: Suzanne D. Romine

**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).

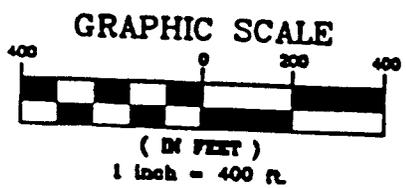
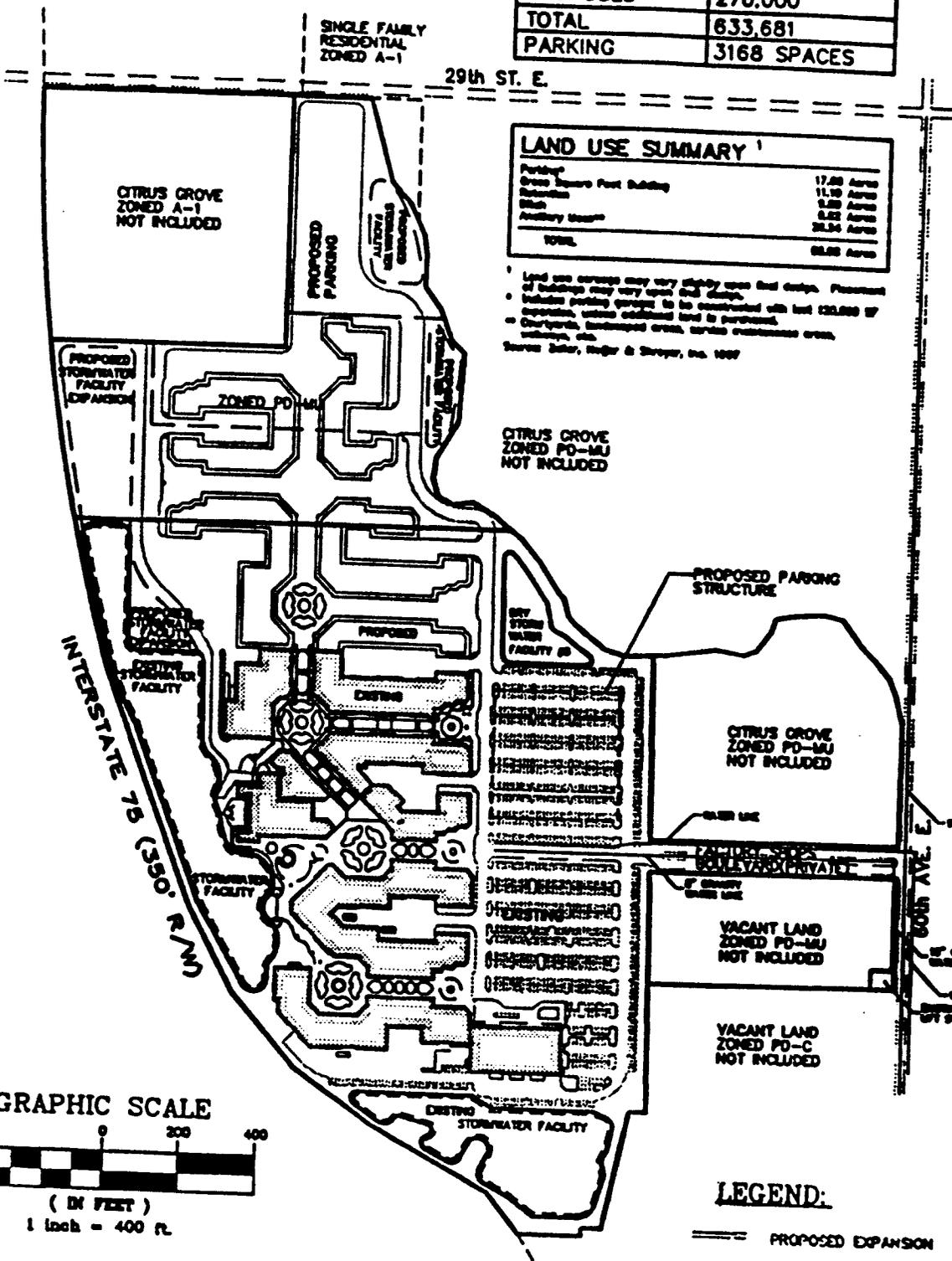
**Hurricane Preparedness**

- ▶ 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).

BUILDING	GROSS SQ.FT.
EXISTING	363,681
PROPOSED	270,000
TOTAL	633,681
PARKING	3168 SPACES

LAND USE SUMMARY	
Parking	17.88 Acres
Gross Square Foot Building	11.80 Acres
Roofsides	1.80 Acres
Walk	0.80 Acres
Auxiliary Areas	24.52 Acres
TOTAL	56.80 Acres

1. Land use coverage may vary slightly upon final design. Percentages of buildings may vary upon final design.  
 • Includes parking garage. To be constructed with less than 100,000 sq ft capacity, unless additional land is purchased.  
 • Courtyards, landscaped areas, service customer areas, walkways, etc.  
 Source: Keller, Miller & Sawyer, Inc. 1997



**LEGEND:**

==== PROPOSED EXPANSION

----- EXISTING BUILDINGS

CAD file name: v:\acad\GCFACTORY\map-h  
Plot date and time: 19970330.1420

© 1997 KELLER, MILLER & SAWYER, INC.  
 THIS DOCUMENT IS PREPARED BY SECTION 108 OF THE FLORIDA STATUTES CHAPTER 107, SECTIONS 107.01 THROUGH 107.05, AND 107.07, AND IS SUBJECT TO THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. KELLER, MILLER & SAWYER, INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. ANY INFORMATION CONTAINED HEREIN IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT OF THIRD PARTY RIGHTS. ANY INFORMATION CONTAINED HEREIN IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT OF THIRD PARTY RIGHTS.

REVISED MAP "H" - MASTER DEVELOPMENT PLAN  
 FOR  
**GULF COAST FACTORY SHOPS**  
 LOCATED IN  
 SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST  
 MANATEE COUNTY, FLORIDA

REVISED: 5/10/97



Keller, Miller & Sawyer, Inc.

SHEET

TUESDAY - NOVEMBER 11, 1997

TIME	ENTERING	EXITING	TOTAL
01:00	2	4	6
02:00	0	0	0
03:00	0	0	0
04:00	0	0	0
05:00	4	3	7
06:00	3	2	5
07:00	17	8	25
08:00	48	8	56
09:00	101	45	146
10:00	369	62	431
11:00	675	147	822
12:00	656	355	1,011
13:00	652	494	1,146
14:00	516	640	1,156
15:00	523	715	1,238
16:00	373	788	1,161
17:00	318	832	1,150
18:00	243	606	849
19:00	171	401	572
20:00	85	249	334
21:00	35	205	240
22:00	19	273	292
23:00	2	45	47
24:00	1	5	6
<b>TOTAL</b>	<b>4,813</b>	<b>5,887</b>	<b>10,700</b>

Wednesday  
Tuesday

EP  
Tuesday: adjacent street seats = 15:45 - 16:45  
 WB = = = = 15:15 - 16:15  
 = = = = 3:15 - 5:15

SATURDAY - NOVEMBER 8, 1997

TIME	ENTERING	EXITING	TOTAL
01:00	0	0	0
02:00	0	0	0
03:00	0	0	0
04:00	6	6	12
05:00	0	0	0
06:00	3	2	5
07:00	8	3	11
08:00	42	17	59
09:00	89	34	123
10:00	380	65	445
11:00	733	126	859
12:00	830	307	1,137
13:00	967	495	1,462
14:00	892	826	1,718
15:00	760	976	1,736
16:00	635	1194	1,829
17:00	516	1332	1,848
18:00	327	1038	1,365
19:00	192	745	937
20:00	129	397	526
21:00	54	314	368
22:00	28	328	356
23:00	2	39	41
24:00	1	2	3
TOTAL	6,594	8,246	14,840

check  
 amount  
 for  
 WB

MONDAY - NOVEMBER 10, 1997

TIME	ENTERING	EXITING	TOTAL
01:00	1	0	1
02:00	0	1	1
03:00	0	0	0
04:00	4	2	6
05:00	3	1	4
06:00	1	4	5
07:00	15	6	21
08:00	72	13	85
09:00	143	23	166
10:00	508	77	585
11:00	804	134	938
12:00	390	227	617
13:00	459	332	791
14:00	426	440	866
15:00	371	462	833
16:00	348	502	850
17:00	316	558	874
18:00	263	481	744
19:00	185	350	535
20:00	97	194	291
21:00	60	228	288
22:00	25	302	327
23:00	1	53	54
24:00	9	10	19
<b>TOTAL</b>	<b>4,501</b>	<b>4,400</b>	<b>8,901</b>

2 AM  
 Peak of  
 adjacent  
 street  
 VIB  
 see P 13  
 for

SUNDAY - NOVEMBER 9, 1997

TIME	ENTERING	EXITING	TOTAL
01:00	0	4	4
02:00	0	0	0
03:00	1	3	4
04:00	2	2	4
05:00	0	0	0
06:00	1	1	2
07:00	1	0	1
08:00	20	8	28
09:00	17	9	26
10:00	119	41	160
11:00	404	98	502
12:00	690	184	874
13:00	844	383	1,227
14:00	989	590	1,579
15:00	877	911	1,788
16:00	601	1164	1,765
17:00	302	1309	1,611
18:00	166	1005	1,171
19:00	81	607	688
20:00	16	96	112
21:00	6	25	31
22:00	4	19	23
23:00	5	13	18
24:00	4	4	8
TOTAL	5,150	6,476	11,626





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# MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT  
"TO SERVE WITH EXCELLENCE"

---

December 31, 1998

CERTIFIED MAIL  
P 368 649 850

Mr. Tim Butts  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Re: Development Order for Gulf Coast Factory Shops DRI #23

Dear Mr. Butts:

Enclosed is a certified copy of Ordinance 98-48, the amended Development Order for the Gulf Coast Factory Shops DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 15, 1998, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

  
Robert H. Pederson  
Community Planning Administrator

RHP/jy  
Enclosure

**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, 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 of 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 60<sup>th</sup> 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 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 NOPC, and held a public hearing on said NOPC with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners held duly noticed public hearings on November 17, 1998 and December 15, 1998 on 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, 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 NOPC 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 Zoning 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 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 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 Kemper, 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, 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 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 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 60<sup>th</sup> Avenue East in accordance with the plans attached hereto as Exhibit 3, prior to the issuance of any Building Permit for Phase 1-B.
  - i. Provide dual southbound right turn lanes on 60<sup>th</sup> 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) Provide appropriate pavement markings and taper within the existing pavement for northbound traffic at 60<sup>th</sup> 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 60<sup>th</sup> 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.

- 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 1-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 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, FAC, 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). Sewer 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 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 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 ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ 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 ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 9, A DISTANCE OF 656.42 FEET; THENCE NORTH 89°58'55" EAST ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ 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.

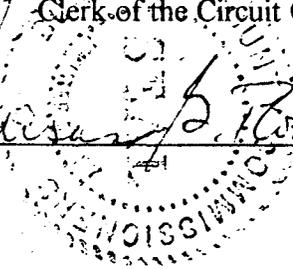
PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ON THE THE 15<sup>th</sup> DAY OF DECEMBER, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:

*Patricia M. Glaw*  
Chairman

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

*R. B. Shore*  
By: *R. B. Shore*  


## 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).

**ORDINANCE NO. 98- 48**  
**GULF COAST FACTORY SHOPS**

**EXHIBIT 1**

IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS ATTACHMENT TO THE PREVIOUSLY APPROVED ORDINANCE 97-78, APPROVED ON DECEMBER 16, 1997.