

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

May 11, 1994

SUZANNE COOPER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R94-0091 - Amending the Development Order for
Brandon Mall (DRI #29)

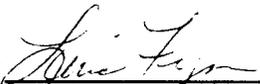
Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
April 12, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 
Linda Fryman
Manager, BOCC Records

LF:ADF

Attachment

Certified Mail #P 370 410 065

cc: Board files (orig.)

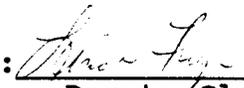
P-H Partners, c/o Sue Murphy, AICP - Rudnick & Wolfe
J. Thomas Beck, Florida Department of Community Affairs
Jeanie E. Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0091 Amending the Development Order for Brandon Mall (DRI #29) approved by the Board in its regular meeting of April 12, 1994, as the same appears of record in MINUTE BOOK 215 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of May, 1994.

RICHARD AKE, CLERK

By: 
Deputy Clerk

Resolution No. R94-0091

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DEVELOPMENT ORDER FOR
BRANDON MALL - DRI #29

Upon motion by Commissioner Busansky, seconded by
Commissioner Miller, the following Resolution was
adopted by a vote of 5 to 0, Commissioner(s) _____
_____ voting "No".

WHEREAS, on July 24, 1974, the Board of County Commissioners
issued Development Order 74-7 for Lamonte-Shimberg Corporation's
Development of Regional Impact, hereinafter referred to as Brandon
Mall, a copy of said Development Order is attached hereto as
Exhibit A and incorporated herein by reference; and

WHEREAS, on November 8, 1984, the Board of County
Commissioners approved Petition 74-370-A, which action rezoned the
described property to the C-U zoning classification as described in
the Zoning Regulations of Hillsborough County; and

WHEREAS, Development Order 74-7 included a specific provision
that established an initial five-year development period; and

WHEREAS, Development Order 74-7 approved a project comprised
of 530,000 square feet of regional commercial uses otherwise
described as Phase I; and

WHEREAS, on May 23, 1979, the Board of County Commissioners
extended the Development Order for a second five-year period; and

WHEREAS, on December 4, 1984, the Board of County
Commissioners approved Resolution 84-0201, amending the land uses
and intensities permitted for the Brandon Mall; and

WHEREAS, on September 17, 1985, the Board of County
Commissioners approved Resolution 85-0260 to permit certain
portions of the Development to proceed prior to completion of
certain traffic improvements; and

WHEREAS, on December 10, 1985, the Board of County
Commissioners approved Resolution 85-0261 which permitted certain
portions of the approved development to proceed prior to the
completion of certain traffic improvements and amended the land
uses and intensities permitted for the Brandon Mall; and

WHEREAS, on December 20, 1993, the Developer of the hotel
Parcel B site submitted a Notice of Proposed Change requesting the
redesignation of Parcel B from hotel to retail; and

WHEREAS, on February 17, 1994, at the request of the Florida Department of Community Affairs, the Developer of the remainder of the Brandon Mall submitted a traffic analysis and agreed to inclusion of a fixed expiration and buildout date for the entire Brandon Mall; and

WHEREAS, the development plan, as revised, includes the following uses:

- A. A mall facility containing 361,646 square feet;
- B. Parcel A comprising an office use of 35,000 square feet;
- C. Parcel B comprising 65,000 square feet of retail uses;
- D. Parcel C comprising C-1 uses (excluding mini-warehouses) of 7,760 square feet;
- E. Parcel D comprising C-1 uses (excluding mini-warehouses) of 7,140 square feet.

WHEREAS, through the date of this Resolution, the following development has been completed:

- A. A mall facility containing 300,678 square feet;
- B. Parcel C containing 7,760 square feet; and
- C. Parcel D containing 7,140 square feet.

WHEREAS, staff of the Florida Department of Community Affairs and the Hillsborough County Planning and Development Management Department requested that a new transportation analysis be prepared concerning the impacts of the Parcel B project as revised; and

WHEREAS, such a transportation study was completed by the Parcel B Developer and reviewed by staff of the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council and the Hillsborough County Planning and Development Management Department; and

WHEREAS, the results of said study revealed that completion of the Brandon Mall Approved Development Plan, as amended herein, will not create any regionally significant traffic impacts; and

WHEREAS, all traffic mitigation requirements noted in the original and all amended Development Orders for the Brandon Mall DRI have been met; and

WHEREAS, the Board of County Commissioners has considered the comments received from the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council, and the Hillsborough County Planning and Development Management Department.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 12TH DAY OF APRIL, 1994, AS FOLLOWS:

SECTION I. FINDINGS OF FACT. The foregoing recitation of and findings of fact are hereby incorporated into and made a part of this Resolution.

A. That the Developer submitted to the County the NOPC attached hereto and incorporated herein by reference as Composite Exhibit 1 (hereinafter all proposed modification as set forth in the NOPC shall be referred to as the "Proposed Changes").

B. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable in the area.

D. That the Proposed Changes are consistent with the recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the County and the Tampa Bay Regional Planning Council.

F. That all traffic mitigation requirements noted in the original and all amended Development Orders for the Brandon Mall DRI have been met.

G. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

SECTION II. CONCLUSIONS OF LAW. That the Board of County Commissioners having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the

amendments, conditions, restrictions and limitations set forth herein.

B. That the review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens, concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.

C. That based on the foregoing and pursuant to Chapter 380.08(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order, as amended by the First Amendment, Second Amendment and Third Amendment.

SECTION III. ORDER:

A. The Brandon Mall is approved for development of the remaining undeveloped square footage:

1. 61,877 square feet of regional commercial use.
2. Parcel A comprising 35,000 square feet of office use.
3. Parcel B comprising 65,000 square feet of retail uses.

B. The project, as revised, constitutes the total approved development for the Brandon Mall. Any requests for an increase in intensity shall be reviewed in accordance with the terms of Development Order 74-7, as amended, Section 380.06, Florida Statutes, (1993), and appropriate local codes, ordinances and regulations, including but not limited to zoning regulations.

C. The buildout date for the development permitted under the Development Order, as amended, shall be March 21, 1999. All development permitted under the Development Order must be commenced by the buildout date.

D. This Development Order, as amended, shall expire on March 21, 2001.

E. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the development of the Brandon Mall requires additional review or consideration, said review and consideration shall take place in accordance with all applicable regulations.

F. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, P-H Partners and RSP IV Criterion, Ltd., Successors in Interest to LaMonte-Shimberg Corporation.

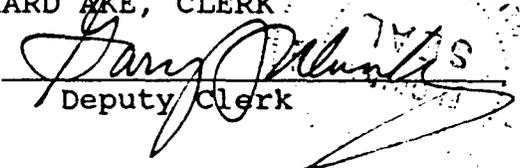
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

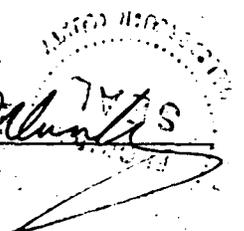
I, RICHARD AKE, Clerk of Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its Regular Meeting of April 12, 1994 as the same appears of record in Minute Book 215 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of May, 1994.

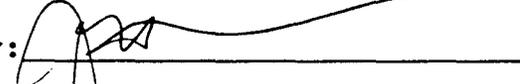
RICHARD AKE, CLERK:

By: 

Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: 

Approved as to Form and Legal Sufficiency

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Sue Ann Murphy, the undersigned owner/authorized representative of P-H Partners, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Brandon Mall (Regency Square Mall) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Hillsborough County, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

12-20-93
Date

Sue Ann Murphy
Signature

SAM0176 12/14/93

2. **APPLICANT (NAME, ADDRESS, PHONE).**

P-H Partners
c/o Belz Enterprises
530 Oak Court Drive
P.O. Box 171199
Memphis, Tennessee 38187-1199
(901) 767-4780

3. **AUTHORIZED AGENT (NAME, ADDRESS, PHONE).**

Sue Murphy, AICP
Rudnick & Wolfe
101 E. Kennedy Blvd., Ste. 2000
Tampa, FL 33602
(813) 229-2111

4. **LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.**

Location of the DRI and proposed changes is Section 20, Township 29S, Range 20E, Hillsborough County, Florida.

5. **PROVIDE A COMPLETE DESCRIPTION OF THE PROPOSED CHANGE. INCLUDE ANY PROPOSED CHANGES TO THE PLAN OF DEVELOPMENT, PHASING, ADDITIONAL LANDS, COMMENCEMENT DATE, BUILD-OUT DATE, DEVELOPMENT ORDER CONDITIONS AND REQUIREMENTS, OR TO THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT APPROVAL.**

INDICATE SUCH CHANGES ON THE PROJECT MASTER SITE PLAN, SUPPLEMENTING WITH OTHER DETAILED MAPS, AS APPROPRIATE. ADDITIONAL INFORMATION MAY BE REQUESTED BY THE DEPARTMENT OR ANY REVIEWING AGENCY TO CLARIFY THE NATURE OF THE CHANGE OR THE RESULTING IMPACTS.

The DRI was originally approved for 530,000 square feet of retail development. In 1984, the DO was amended by Resolution 84-0201 to permit 370,055 square feet of retail, 30,800 square feet of office and a 300 room hotel. The applicant is only seeking amendment to the hotel parcel, since it is the only portion of the DRI owned or controlled by the applicant. The developer of the remainder of the DRI has already completed a

substantial portion of the mall. Of the 370,055 square feet of retail development permitted in the 1984 amendment, 315,900 square feet of retail development has been completed.

Resolution 84-0201 required commencement of construction of the hotel within 3 years of December, 1984. The developer is requesting reversion of the hotel site back to the originally approved retail use with the condition that construction must commence within 3 years. The proposed replacement of the 300 room hotel with 65,000 square feet of retail produces slightly less p.m. peak hour trips than the present approval and placement of these trips on the surrounding road network does not create any regionally significant impacts (i.e., more than 5 percent of the road capacity). A traffic study is appended that addresses this issue.

The proposed changes will not modify the most recent master development plan for the DRI, except for the hotel parcel and will not alter external access to any of the DRI properties. A copy of the existing plan approval for the hotel and the requested plan approval for the 65,000 square feet of retail is appended.

6. COMPLETE THE ATTACHED SUBSTANTIAL DEVIATION DETERMINATION CHART FOR ALL LAND USE TYPES IN THE DEVELOPMENT. IF NO CHANGE IS PROPOSED OR HAS OCCURRED, INDICATE NO CHANGE.

See Table 1, Substantial Deviation Determination Chart, attached hereto.

7. LIST ALL THE DATES AND RESOLUTION NUMBERS (OR OTHER APPROPRIATE IDENTIFICATION NUMBERS) OF ALL MODIFICATIONS OR AMENDMENTS TO THE ORIGINALLY APPROVED DRI DEVELOPMENT ORDER THAT HAVE BEEN ADOPTED BY THE LOCAL GOVERNMENT, AND PROVIDE A BRIEF DESCRIPTION OF THE PREVIOUS CHANGES (I.E., ANY INFORMATION NOT ALREADY ADDRESSED IN THE SUBSTANTIAL DEVIATION DETERMINATION CHART). HAS THERE BEEN A CHANGE IN LOCAL GOVERNMENT JURISDICTION FOR ANY PORTION OF THE DEVELOPMENT SINCE THE LAST APPROVAL OR DEVELOPMENT ORDER WAS ISSUED? IF SO, HAS THE ANNEXING LOCAL GOVERNMENT ADOPTED A NEW DRI DEVELOPMENT ORDER FOR THE PROJECT?

There has been no change in local government jurisdiction since the original DRI approval. The DRI was originally approved in 1974 under Development Order 74-7 for 530,000 square feet of retail. The Development Order was amended in 1983 (Resolution 83-0017) to revise the approved zoning site plan to permit a restaurant on a site that was approved for a bank. The Development Order was amended in 1984 under Resolution 84-0201 to permit 30,800 square feet of office, 370,055 square feet of retail, and a 300 room hotel. There were two subsequent amendments to the Development Order (Resolution 85-0260 and Resolution 85-0261) which permitted a portion of the approved development to

11. WILL THE PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN?

No

PROVIDE THE FOLLOWING FOR INCORPORATION INTO SUCH AN AMENDED DEVELOPMENT ORDER, PURSUANT TO SUBSECTIONS 380.06 (15), F.S., AND 9J-2.025, FLORIDA ADMINISTRATIVE CODE.

12. AN UPDATED MASTER SITE PLAN OR OTHER MAP OF THE DEVELOPMENT PORTRAYING AND DISTINGUISH THE PROPOSED CHANGES TO THE PREVIOUSLY APPROVED DRI OR DEVELOPMENT ORDER CONDITIONS.

See attached master plan.

13. PURSUANT TO SUBSECTION 380.06(19)(F), F.S., INCLUDE THE PRECISE LANGUAGE THAT IS BEING PROPOSED TO BE DELETED OR ADDED AS AN AMENDMENT TO THE DEVELOPMENT ORDER. THIS LANGUAGE SHOULD ADDRESS AND QUANTIFY:

- a. **ALL PROPOSED SPECIFIC CHANGES TO THE NATURE, PHASING, AND BUILD-OUT DATE OF THE DEVELOPMENT; TO DEVELOPMENT ORDER CONDITIONS AND REQUIREMENTS; TO COMMITMENTS AND REPRESENTATIONS IN THE APPLICATION FOR DEVELOPMENT APPROVAL; TO THE ACREAGE ATTRIBUTABLE TO EACH DESCRIBED PROPOSED CHANGE OF LAND USE, OPEN SPACE, AREAS FOR PRESERVATION, GREEN BELTS; TO STRUCTURES OR TO OTHER IMPROVEMENTS INCLUDING LOCATIONS, SQUARE FOOTAGE, NUMBER OF UNITS; AND OTHER MAJOR CHARACTERISTICS OR COMPONENTS OF THE PROPOSED CHANGE;**
- b. **AN UPDATED LEGAL DESCRIPTION OF THE PROPERTY, IF ANY PROJECT ACREAGE IS/HAS BEEN ADDED OR DELETED TO THE PREVIOUSLY APPROVED PLAN OF DEVELOPMENT;**
- c. **A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;**

- d. **A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLY REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;**
- e. **A PROPOSED AMENDED DEVELOPMENT ORDER DATE UNTIL WHICH THE LOCAL GOVERNMENT AGREES THAT THE CHANGES TO THE DRI SHALL NOT BE SUBJECT TO DOWN-ZONING, UNIT DENSITY REDUCTION, OR INTENSITY REDUCTION, IF APPLICABLE; AND**
- f. **PROPOSED AMENDED DEVELOPMENT ORDER SPECIFICATIONS FOR THE ANNUAL REPORT, INCLUDING THE DATE OF SUBMISSION, CONTENTS AND PARTIES TO WHOM THE REPORT IS SUBMITTED AS SPECIFIED IN SUBSECTION 9J-2.025 (7), F.A.C.**

The following changes are proposed to the approved Development Order to accommodate the proposed changes to the Development. The changes only affect the applicant's Parcel:

- A. The approved uses for the Development, as set out in the thirteenth (13th) "Whereas" clause of Resolution 84-0201, should be amended as follows:
 - A. Mall facility containing 362,555 square feet,
 - B. Parcel A comprising an office use of 30,800 square feet,
 - C. Parcel B comprising 65,000 square feet of retail, a 300-unit hotel,
 - E. Parcel D comprising C-1 uses (excluding mini-warehouses) of 3,500 square feet
- B. The time period set out for commencement of construction on the applicant's parcel, as set out in Section 2(c) of Resolution 84-0201, should be amended as follows:

The Owner of Parcel B Developer shall commence construction of the ~~retail hotel~~ located on Parcel B within three (3) years from the date of approval of this Resolution.

For purposes of this Resolution, the word commencement shall be construed to mean the beginning of actual construction of the buildings that will house the uses described on the revised general site plan.

TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Attraction/Recreation	# Parking Spaces # Spectators # Seats Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D. O. conditions ADA representations	N/A	N/A	
Airports	Runway (length) Runway (strength) Terminal (gross square feet) # Parking Spaces # Gates Apron Area (gross square feet) Site locational changes Airport Acreage, including drainage ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A	N/A	DEVELOPMENT SERVICES CENTER DEC 20 1993

SAM0176 12/14/93

**TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART**

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hospitals	# Beds # Parking Spaces Building (gross square feet) Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D. O. Conditions ADA representations	N/A	N/A	
Industrial	Acreage, including drainage, ROW easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels & lbs.) Site locational changes # External Vehicle Trips D. O. conditions ADA representations	N/A	N/A	

TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Mining Operations	Acreage mined (year) Water Withdrawal (gal/day) Size of Mine (acres), including drainage, ROW, easements, etc. Site locational Changes # External Vehicle Trips D. O. conditions ADA representations	N/A/	N/A	
Office	Acreage, including drainage, ROW easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D. O. conditions ADA representations	- No change	- 0	30,800 s. f. office (acreage not separated from retail acres.) Resolution 84-0201 12/84

TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Petroleum/Chemical Storage	Storage capacity (barrels and/or lbs) distance to Navigable Waters (feet) Site locational changes Facility Acreage, including drainage ROW, easements, etc. # External Vehicle Trips D.O. Conditions ADA representations	N/A	N/A	
Ports	# Boats, wet storage # Boats, dry storage Dredge & fill (cu. yards) Petroleum storage (gals) Port acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. Conditions ADA representations	N/A	N/A	

**TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART**

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D. O. CHANGE + DATE
Residential	# dwelling units Type of dwelling units # Lots Acreage, including drainage, ROW easements, etc. Site locational changes # External Vehicle Trips D.O. Conditions ADA representations	N/A	N/A	
Wholesale, Retail, Service	Acreage, including drainage, ROW easements, etc. Floor Space (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	72.498 acres (includes office) 435,055 square feet of retail	72.498 acres (includes office) 530,000 square feet of retail	66.247 acres (includes office) 370,055 square feet of retail Resolution 84-0201 12/84

TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hotel/Motel	# Rental Units Floor Space (gross square feet) # Parking Spaces # Employees Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	0	0	300 room hotel Resolution 84-0201 12/84 6.251 acres
R.V. Park	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Buildings (gross square feet) # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	N/A	N/A	

**TABLE 1
SUBSTANTIAL DEVIATION DETERMINATION CHART**

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations	N/A	N/A	
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. Conditions ADA representations	N/A	N/A	

Note: If a response is to be more than one sentence, attached a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

6200 47 66

TABLE 2

<u>Original Approval</u>	<u>Previous Changes (Resolution 84-0201)</u>	<u>Proposed Changes</u>	<u>Total Cumulative Changes</u>	<u>Cumulative Percentage Increase of Criteria Noted in 380.06 (19)(b)</u>
530,000 s. f. retail	- 159,945 square feet retail	-300 hotel rooms	- 94,945 s. f. retail	- 190% retail
22,700 vehicle trips/day (vid)	+ 300 hotel rooms	+ 65,000 square feet retail	- 2,075 vid	- 61% vid
	+ 30,800 square feet office		+ 30,800 square feet office	+ 51% office
	- 2,075 vid			- 200% total cumulative change

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RESOLUTION



Upon motion of Commissioner Lester

seconded by Commissioner Castor

following Resolution was adopted by unanimous vote:

WHEREAS, LaMonte-Shimberg Corporation has filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition ~~114-1-DR-177~~) in accordance with Section 380.06(6), Florida Statutes (1972); and

WHEREAS, this Board has reviewed the application and has found the proposed development to be consistent with local land development regulations to the extent that the first phase of the proposed development should be approved; and

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council and has found the proposed development to be consistent with the Council's recommendations to the extent that the first phase of the proposed development should be approved; and

WHEREAS, this Board has on May 31, 1974, and June 28, 1974 at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the application following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1972), and has heard and considered the testimony taken thereat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 24th DAY OF JULY, 1974, AS FOLLOWS:

1. That the definitions found in Chapter 380, Florida Statutes (1972), shall control the construction of any so-defined terms appearing in this Resolution.

2. That this Resolution shall constitute the Development Order

of this Board issued in response to the Application for Development Approval of a Development of Regional Impact filed by La Monte-Shimberg Corporation (Hillsborough County Building and Zoning Department Petition #74-7-DRI).

3. That this Development Order shall be deemed rendered as of the date of this Resolution for purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1972).

4. That this Development Order shall remain in effect for a period of five years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.

5. That this Development Order shall not encompass any proposed development which constitutes a substantial deviation from the terms of the application or which is not to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review, and approval of a separate Application for Development Approval in accordance with Section 380.06(6), Florida Statutes (1972).

6. That this Board finds that the Application for Development Approval of a Development of Regional Impact of LaMonte-Shimberg Corporation (Hillsborough County Building and Zoning Department Petition #74-7-DRI) should be, and hereby does order it APPROVED subject to the following conditions:

a. That this approval is based upon the application as supplemented and amended by those materials submitted by the applicant during the review process which have been placed in the Master File on this application maintained

in the office of the Building and Zoning Department of Hillsborough County and that the terms "application" and "Application for Development Approval of a Development of Regional Impact", wherever they appear in this order, unless clearly indicated otherwise by the context in which they appear, shall include said supplementary and amendatory materials in said Master File:

b. This approval is limited to the first phase of the proposed development, being a shopping center containing approximately 530,000 square feet of gross leasable area including two major department stores, and further development shall be permitted only after submission to and approval through the DRI review process.

c. The applicant shall fulfill its voluntary commitment to contribute to road improvements in the vicinity of the proposed development as evidenced by its letter attached hereto as Exhibit "E".

7. That the following are hereby incorporated by reference and made a part of this Development Order:

a. The "Application for Development Approval" submitted by Charter Engineering, Inc. on behalf of La Monte-Shimberg Corporation in March, 1974, including separately bound supplements, "Traffic and Access Study, The Mall, Brandon, Florida" by Wilbur Smith and Associates, January, 1974, "Subsurface Investigation Proposed Borrow Area Woodbury Property, Brandon, Florida" by Orofino and Company, July, 1973, and "An Analysis of Market Potential for Department Stores at Proposed Site" by W. R. Smolkin and Associates, Inc., December, 1972;

b. Supplementary and Amendatory materials submitted

INDEX TO MASTER FILE OF HILLSBOROUGH COUNTY BUILDING
AND ZONING DEPARTMENT DRI 74-7, BRANDON REGIONAL
SHOPPING CENTER, LA MONTE-SHIMBERG CORPORATION

•	Rezoning Petition to Brandon Planning and Zoning Authority	March 22	1 page
•	Silver memo referring DRI for review	March 22	1 page
•	Powell to Cross, request data on impact of two centers	March 26	2 pages
•	Hopper to Powell re: traffic data	April 1	1 page
•	Data Elements Checklist		5 pages
•	Powell to Buck re: content analysis	April 5	4 pages
•	Executive Summary, Market Factors, The Mall, Brandon, Florida	April 4	20 pages
•	Barber to Florida Division of Archives	Dec. 17, 1973	1 page
•	Cross to Florida Division of Archives	April 12	1 page
0.	Supplement to DRI application in response to items 5, 6 above		9 pages
1.	Thompson to Cross with supplemental traffic data in response to items 5, 6 above	April 10	11 pages
2.	Cross to Powell re: item 3 above	April 16	3 pages
3.	Cross to Powell re: limiting approval to Phase I	April 16	1 page
4.	Notice of Hearing	April 23	2 pages
5.	Hopper to Powell re: traffic	April 23	2 pages
5.	TBRPC Recommendation	May 13	11 pages
7.	Cross to Powell re: environmental concerns	May 16	2 pages
3.	HCPC Staff Report	May 16	26 pages
9.	HCPC DRI Resolution with cover letter	May 23	3 pages
0.	HCPC Zoning Resolution with cover letter	May 23	2 pages
1.	Environmental Protection Commission staff report	May 29	2 pages
2.	Water Resources Director's report	March 26	1 page
3.	County Engineer's recommendation	June 28	4 pages

WOODBERRY ROAD

SEABOARD COASTLINE RAILROAD

SAND STREET

E. SAND ST.
SPUR (FUTURE)

WETLANDS

REGENCY MALL

NORTH

N.T.S.

INTERSTATE 75

STATE ROUTE 60

*End of four-laning



Post, Buckley, Schuh & Jernigan, Inc.
CONSULTING ENGINEERS AND PLANNERS

SAND STREET
ZONING SKETCH

by the applicant during the review process and entered in the Master File on the application maintained by the Building and Zoning Department of Hillsborough County, as defined by the index thereto which is attached as Exhibit "A" to this order;

c. The Planning Commission Resolution and Staff Report attached hereto as Exhibit "B";

d. The Engineering Department Recommendation attached hereto as Exhibit "C";

e. The Environmental Protection Commission Staff Recommendation attached hereto as Exhibit "D";

f. The letter of MGIC Development Corporation, formerly known as LaMonte-Shimberg Corporation, dated July 24, 1974 attached hereto as Exhibit "E".

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board in its meeting of July 24, 1974, as the same appears of record in Minute Book 58 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of July, 1974.

JAMES F. TAYLOR, JR., CLERK

By: Estelle J. Waters
Deputy Clerk

RESOLUTIONS

Upon motion by Commissioner Padgett
seconded by Commissioner Iorio, the
following resolution was adopted by 6-0 vote:

WHEREAS, on July 24, 1974, the Board of County Commissioners issued Development Order 74-7 for La Monte-Simberg Corporation's Development of Regional Impact, hereinafter referred to as Brandon Mall a/k/a Regency Square, a copy of said development order is attached hereto as Exhibit A and incorporated herein by reference.

WHEREAS, on November 8, 1974, the Board of County Commissioners approved Petition 74-370-A which action rezoned the described property to the C-U zoning classification as described in the Zoning Regulations of Hillsborough County; and,

WHEREAS, Development Order 74-7 included a specific provision that established an initial five-year development period; and,

WHEREAS, Development Order 74-7 approved a project comprised of 530,000 square feet of regional commercial uses otherwise described as Phase I; and,

WHEREAS, on May 23, 1979, the Board of County Commissioners extended the Development Order for a second five-year period; and,

WHEREAS, on December 4, 1984, the Board of County Commissioners extended the Development Order for an additional time period, subject to several conditions; and,

WHEREAS, on December 19, 1983, the Board of County Commissioners approved Petition 83-404 which action rezoned the described property to the C-U zoning classification as described in the zoning regulations of Hillsborough County; and,

WHEREAS, on September 17, 1985, the Board of County Commissioners approved a Modification of the Development Order authorizing the granting of the certificate of occupancy of 52,975 square feet of general retail based upon certain terms and conditions. Attached as Exhibit B

WHEREAS, the developer is attempting to meet the requirements of the extended Development Order and rezoning; and,

WHEREAS, the required completion of certain traffic improvements have been delayed beyond the developers control; and,

WHEREAS, the development is being completed in total compliance with the approved Development Order and the approved zoning with the exception of the completion of Sand Street to the North of Brandon Mall a/k/a Regency Square prior to the issuance of Certificates of Occupancy; and,

WHEREAS, staff of the Tampa Bay Regional Planning Council have considered the request of the Developer to amend the Development Order; and,

WHEREAS, the Developer was directed to complete a transportation study; and,

WHEREAS, such transportation study was completed by the Developer and reviewed by the County and Regional Planning Council Staff; and,

WHEREAS, the results of the study revealed that the granting of Certificates of Occupancy for the following: 210 room hotel, 8 screen movie theatre, 35,000 sq. ft. of office, 28,000 sq.ft. food court, 5,160 sq. ft. restaurant, 14,900 sq.ft. of out parcel restaurants, and an additional 99,500 sq. ft. of general retail prior to the completion of Sand Street with proper traffic improvements, will not impact the surrounding transportation system to a greater degree than the traffic originally anticipated to be generated by the total project after the improvements are completed; and,

WHEREAS, the Board of County Commissioners has considered the comments of staff of the Department of Development Coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 10th DAY OF DECEMBER, 1985:

1. The foregoing recitation and finding of fact are hereby incorporated into and made a part of this Resolution.
2. The Board of County Commissioners hereby amends the Development Order (74-7) to permit the issuance of Certificates of Occupancy on or after March 1, 1986 for a maximum 210 room hotel, 8 screen movie theatre, 35,000 sq.ft. of office, 28,000 sq. ft. food court, 5,160 sq.ft. restaurant, 14,900 sq.ft. of out parcel restaurants, and an additional 99,500 sq.ft. of general retail space, prior to the completion of the required improvements to Sand Street.
3. The Board of County Commissioners shall hereby amend the development order to clarify the extent of the required four laning of Sand Street. Said four laning shall occur from Hwy. 60 to a point approximately .35 miles South of Woodberry Road; said point being the intersection of proposed "East Sand Street" as shown on Exhibit C.
4. Nothing contained herein shall be construed to constitute a waiver of all other Development Orders and all land development regulations pertaining to this project.
5. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the development of the project requires additional review or consideration, said review and consideration shall take place in accordance with all applicable regulations.
6. Upon adoption, this Resolution shall be transmitted by the Executive Office Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council and Martin Stein, Trustee, Successor in Interest to LaMonte-Shimberg Corporation.

7. No Detailed Site Plans, Building Permits or Certificates of Occupancy shall be granted for any part of this development, except the square footage approved by this amendment or the 9/17/85 amendment, until the completion of Sand Street to Woodberry Road. However, in the event that construction of Sand Street to Woodberry is not or cannot be completed by March 1, 1988, this project (i.e., the existing square footage plus the square footage in condition #2 above), as well as any request for any additional approved square footage shall be considered a Conceptual Modification to Hillsborough County rezoning petition 83-404 and shall be required to undergo Conceptual Modification review proceedings pursuant to Section 22 of the pre July 1, 1985 Zoning Code. Said elimination of Sand Street may also be required to undergo a determination of substantial deviation to the approved DRI (#74-7).

8. The Developer shall present to the County a Surety Bond, on or before March 1, 1986, in the amount required to complete Sand Street with an "at grade" crossing at the railroad. If the "at grade" crossing is not possible or a determination can not be made, on or before March 1, 1987 the developer shall present the County a Surety Bond in the amount required to complete an "overpass" crossing at the railroad for Sand Street.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, RICHARD L. AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners at it regular meeting of December 10, 1985, as the same appears of record in Minute Book 115 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 3rd day of March, 1986.

RICHARD L. AKE, CLERK

By: Edna S. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
John R. [Signature]
COUNTY ATTORNEY
Legal Services

Resolution No. R85-0260

RESOLUTION

Upon motion by Commissioner Selvey
seconded by Commissioner Padgett, the following
resolution was adopted by 5-0 vote:

WHEREAS, on July 24, 1974, the Board of County Commissioners issued Development Order 74-7 for LaMonte-Shimberg Corporation's Development of Regional Impact, hereinafter referred to as Brandon Mall, a copy of said development order is attached hereto as Exhibit A and incorporated herein by reference, and,

WHEREAS, on November 8, 1974, the Board of County Commissioners approved Petition 74-370-A which action rezoned the described property to the C-U zoning classification as described in the Zoning Regulations of Hillsborough County; and,

WHEREAS, Development Order 74-7 included a specific provision that established an initial five-year development period; and,

WHEREAS, Development Order 74-7 approved a project comprised of 530,000 square feet of regional commercial uses otherwise described as Phase I; and,

WHEREAS, on May 23, 1979, the Board of County Commissioners extended the Development Order for a second five-year period; and,

WHEREAS, on December 4, 1984, the Board of County Commissioners extended the Development Order for an additional time period, subject to several conditions; and,

WHEREAS, on December 19, 1983, the Board of County Commissioners approved Petition 83-404 which action rezoned the described property to the C-U zoning classification as described in the Zoning Regulations of Hillsborough County; and,

WHEREAS, the developer is attempting to meet the requirements of the extended Development Order and rezoning; and,

WHEREAS, the required completion of certain traffic improvements have been delayed beyond the developers control; and,

WHEREAS, the development is being completed in total compliance with the approved Development Order and the approved zoning with the exception of the completion of Sand Street and the finalization of improvements to State Road 60 prior to the issuance of Certificates of Occupancy; and,

WHEREAS, staff of the Tampa Bay Regional Planning Council have considered the request of the Developer to amend the Development Order; and,

WHEREAS, the Developer was directed to complete a transportation study; and,

WHEREAS, such transportation study was completed by the Developer and reviewed by the County staff; and,

WHEREAS, the results of the study revealed that the granting of Certificates of Occupancy for 52,975 square feet prior to the completion of Sand Street and State Road 60, with proper traffic improvements, will not impact the surrounding transportation system to a greater degree than the traffic anticipated to be generated by the total project after the improvements are completed; and,

WHEREAS, the Board of County Commissioners has considered the comments of staff of the Department of Development Coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 17th DAY OF September, 1985:

1. The foregoing recitation and finding of fact are hereby incorporated into and made a part of this Resolution.
2. The Board of County Commissioners hereby amends the Development Order (74-7) to permit the issuance of Certificates of Occupancy for a maximum 52,975 square feet of the commercial buildings in Phase I of the development approved by this Development Order, as amended, and the C-U Zoning (83-404), prior to the completion of the required improvements to Sand Street and State Road 60. The Certificates of Occupancy shall be granted for a maximum of 35,500 square feet of building area when the following improvements have been made by the developer:
 - i. The driveway radii at the Bennigan's access must be improved to at least 35' on the west side and 25' on the east side. A right turn lane shall be provided on State Road 60 for the west-bound to north-bound right turn into the project.
 - ii. A "KEEP RIGHT" sign must be installed on the nose of the median in the access drive to keep motorists from driving on the wrong side of the median.
 - iii. Left turn lanes must be provided on State Road 60 for both the west-bound to south-bound and east-bound to north-bound left turns at the Bennigan's access. This will require re-striping of the existing pavement and some minor paving.
 - iv. An overhead flashing beacon (flashing red to the Bennigan's access and yellow on State Road 60) shall be installed. This will provide advance warning to traffic on State Road 60 of the access drive. (State Road 60 has a slight curve just east of the Bennigan's access).

A further 17,475 square feet of building area shall be granted Certificates of Occupancy when, in addition to the above stated improvements (i-iv), a traffic signal is installed at the intersection of the Sand Street access and State Road 60.

The project shall meet all other requirements and conditions of the Development Order and the approved zoning.
3. Nothing contained herein shall be construed to constitute a waiver of all other Development Orders and all land development regulations pertaining to this project.
4. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the development of the project requires additional review or consideration, said review and consideration shall take place in accordance with all applicable regulations.

5. Upon adoption, this Resolution shall be transmitted by the Executive Office Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council and Martin Stein, Trustee, Successor in Interest to LaMonte-Shimberg Corporation.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD L. AKE Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of September 17, 1985, as the same appears of record in Minute Book 112 of the Public Records of Hillsborough County, Florida.

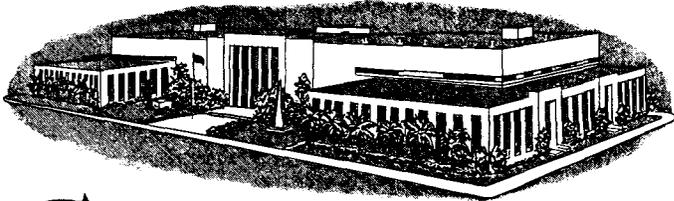
WITNESS my hand and official seal this 3rd day of March, 1986.

RICHARD L. AKE, CLERK

BY: Edna L. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY: [Signature]
Approved As To Form And
Legal Sufficiency.

5th Floor



OFFICE OF
JAMES F. TAYLOR, JR.
CLERK OF CIRCUIT COURT
CLERK OF COUNTY COURT
P. O. BOX 1110
TAMPA, FLORIDA 33601
TELEPHONE 223-7811



COUNTY of HILLSBOROUGH
Tampa, Florida 33601



CLERK BOARD OF COUNTY COMMISSIONERS
COUNTY AUDITOR
COUNTY RECORDER
CUSTODIAN OF COUNTY FUNDS
DEPENDENT'S SUPPORT COLLECTION
TAX DEED SALES

CERTIFIED MAIL (P470933019)
RETURN RECEIPT REQUESTED

IN RESPONSE REFER TO:

December 10, 1984

Mr. William Ockunzzi, Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Brandon Mall Development of Regional Impact/
Time Extension

Dear Mr. Ockunzzi:

Enclosed please find a copy of the resolution adopted relating to the described matter. The revised general site plan is on file in the official records of the Clerk to the Board of County Commissioners. I have included copies of Exhibits A and B.

Should you have further questions concerning this matter, please feel free to contact Mr. Richard E. Davis, Assistant County Attorney at (813) 272-5670.

Sincerely,

J. Ed Smith
J. Ed Smith
Chief Deputy Clerk

JES:RED:dm

Enclosures

*Checked and
Enclosed
12/10/84*

*per 1/21/85 phone call
Judy*

*Exhibit A - Resolution
74-07*

*Exhibit B - zoning study
(see records on
file)*

RESOLUTION #84-0201

Upon motion by Commissioner Colson
seconded by Commissioner Paulk, the following
resolution was adopted by 5-0 vote:

WHEREAS, on July 24, 1974, the Board of County Commissioners issued Development Order 74-7 for LaMonte-Shimberg Corporation's Development of Regional Impact, hereinafter referred to as Brandon Mall, a copy of said development order is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, on November 8, 1984, the Board of County Commissioners approved Petition 74-370-A which action rezoned the described property to the C-U zoning classification as described in the Zoning Regulations of Hillsborough County; and,

WHEREAS, Development Order 74-7 included a specific provision that established an initial five-year development period; and,

WHEREAS, Development Order 74-7 approved a project comprised of 530,000 square feet of regional commercial uses otherwise described as Phase I; and,

WHEREAS, on May 23, 1979, the Board of County Commissioners extended the Development Order for a second five-year period; and,

WHEREAS, Martin Stein, Trustee, Successor in Interest to LaMonte-Shimberg Corporation, hereinafter referred to as Developer, has requested that the Board of County Commissioners extend Development Order 74-7; and,

WHEREAS, Developer has entered into an agreement with the Board of County Commissioners relating to the construction of a temporary wastewater treatment facility for the described project; and,

WHEREAS, Developer has succeeded to the obligations to perform a series of transportation improvements designed to mitigate the impact of the proposed development; and,

WHEREAS, Developer has installed certain improvements on site, to wit: retention ponds and utility lines; and,

WHEREAS, Developer has or is committed to dedicate, to specific public entities, certain properties located within and adjacent to the site for purposes of construction of road improvements; and,

WHEREAS, Developer has represented to the Board of County Commissioners that it is committed to promptly initiate construction of the mall facilities identified in the revised general site plan approved by the Board of County Commissioners; and,

Handwritten:
Matter
re: Draft # 27
2

WHEREAS, the time required to receive final approval of the revised general site plan, arrange for the provision of sewer service, and coordinate the location and design of road improvements with appropriate public entities has created a delay in initiation of the construction of buildings on site; and,

WHEREAS, the development plan, as revised, includes the following uses:

- A. Mall facility containing 362,555 square feet,
- B. Parcel A comprising an office use of 30,800 square feet,
- C. Parcel B comprising a 300-unit hotel,
- D. Parcel C comprising C-1 uses (excluding mini-warehouses) of 4000 square feet,
- E. Parcel D comprising C-1 uses (excluding mini-warehouses) of 3,500 square feet,

the location of which uses are graphically depicted and described on the revised general site plan; and,

WHEREAS, staff of the Tampa Bay Regional Planning Council have considered the request of Developer to extend the Development Order; and,

WHEREAS, staff of the Tampa Bay Regional Planning Council and the Hillsborough County Department of Development Coordination requested that a new transportation analysis be prepared concerning the impacts of the project as revised; and,

WHEREAS, such a transportation study was completed by Developer and reviewed by staff of the Tampa Bay Regional Planning Council and the Hillsborough County Department of Development Coordination; and,

WHEREAS, the results of said study revealed that the proposed project as revised generated less traffic than the original Phase I approval, a copy of which study is attached hereto as Exhibit B and incorporated herein by reference; and,

WHEREAS, said study is based upon the six-laning of State Road 60 adjacent to the boundaries of the project; and,

WHEREAS, said study also revealed that differences in peak hour generation rates did not affect the operation of intersections in the area; and,

WHEREAS, the elimination of a significant amount of square footage originally designated for retail commercial and its replacement by the proposed restaurant, office and hotel uses does not create a reasonable likelihood of additional adverse regional impact and therefore, does not constitute a substantial deviation from the Brandon Mall Development of Regional Impact, pursuant to the terms of Florida Statutes 380.06 (17); and,

WHEREAS, the Board of County Commissioners has considered the comments of staff of the Department of Development Coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 4th DAY OF December, 1984:

1. The foregoing recitation and findings of fact are hereby incorporated into and made a part of this Resolution.

2. The Board of County Commissioners hereby extends this Development Order based upon a finding of excusable delay, subject to the conditions contained herein:

a. The Developer shall commence construction of at least one-half of the square footage of the mall facility as shown on the revised general site plan, within one (1) year from the date of approval of this Resolution; and,

b. The Developer shall commence construction of at least one-half the total approved square footage of other uses shown on the revised general site plan, specifically identified as the uses shown for Parcels A, C, and D within three (3) years from the date of approval of this Resolution; and,

c. The Developer shall commence construction of the hotel located on Parcel B within three (3) years from the date of approval of this Resolution; and,

d. The revised general site plan depicting the intensities and the uses described above shall be shown as Exhibit C, and incorporated herein by reference.

For purposes of this Resolution, the word commencement shall be construed to mean the beginning of actual construction of the buildings that will house the uses described on the revised general site plan. In the event that the Developer fails to comply with the conditions described herein, then the Developer shall be required to submit an updated transportation analysis for those uses which have not been commenced. If the updated transportation review establishes that the assumptions and projections underlying the prior analyses are no longer supported by the facts and, as a result thereof, prior improvement commitments no longer adequately mitigate projected transportation impacts, then the Board of County Commissioners may, to the extent permitted by law, impose additional conditions designed to mitigate the impact of the proposed use. The elements of the transportation analysis shall be determined by the Board of County Commissioners prior to its preparation.

3. The project as revised, constitutes the total approved development for the project. Any requests for an increase in intensity shall be reviewed in accordance with the terms of Development Order 74-7, as amended, Section 380.06, Florida Statutes (1983), and appropriate local codes, ordinances and regulations, including but not limited to zoning regulations.

4. Development of the described project shall proceed in accordance with the amended general site plan and shall be subject to the conditions contained in Development Order 74-7, as amended, and Petition 74-370-A, as amended. The Developer is obligated to satisfy the transportation improvement requirements contained in the original approvals, as said requirements may have been subsequently amended pursuant to the order of the County or the Florida Department of Transportation. Additionally, the reference in the transportation section of the original development order relating to the County's obligation to return contributions in those instances where construction has not begun within five (5) years of the date of original approval is hereby deleted.

5. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the development of the project requires additional review or consideration, said review and consideration shall take place in accordance with all applicable regulations.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council and Martin Stein, Trustee, Successor in Interest to LaMonte-Shimberg Corporation.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of December 4, 1984, as the same appears of record in Minute Book 103 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of December, 1984.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY _____

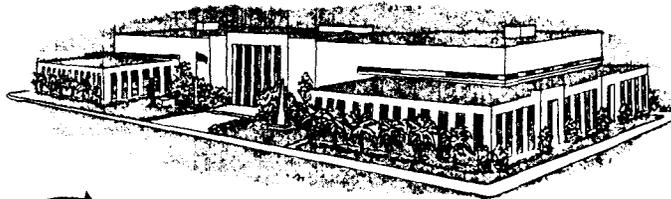
Approved As To Form And
Legal Sufficiency.

EXHIBIT "C"

REVISED GENERAL SITE PLAN

(The original revised general
site plan is on file in the
files of the Clerk to the
Board of County Commissioners)

OFFICE OF
JAMES F. TAYLOR, JR.
CLERK OF CIRCUIT COURT
CLERK OF COUNTY COURT
P. O. BOX 1110
TAMPA, FLORIDA 33601
TELEPHONE 223-7811



COUNTY OF HILLSBOROUGH
Tampa, Florida 33601



CLERK BOARD OF COUNTY COMMISSIONERS
COUNTY AUDITOR
COUNTY RECORDER
CUSTODIAN OF COUNTY FUNDS
DEPENDENT'S SUPPORT COLLECTION
TAX DEED SALES

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
IN RESPONSE REFER TO:

March 16, 1983

Mr. Bill Ockunzzi, Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

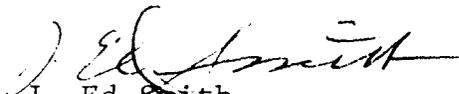
Re: Brandon Mall Development of Regional Impact/
Substantial Deviation Determination

Dear Mr. Ockunzzi:

Enclosed please find a certified copy of the resolution constituting the substantial deviation determination for the Brandon Mall Development of Regional Impact. Please note that the Board of County Commissioners of Hillsborough County found that the change of the described use did not constitute a substantial deviation.

Accompanying the resolution, you will also find a copy of Exhibit A. Exhibit B is a generalized site plan on file in the Hillsborough County Department of Development Coordination. Should you require copies of the described site plan, please contact Richard E. Davis, Assistant County Attorney, 813/272-5670.

Sincerely,


J. Ed Smith
Chief Deputy Clerk

JES:RED:dm

Enclosures

An Affirmative Action - Equal Opportunity Employer

#29 March 00

RESOLUTION #83-0017

Upon motion by Commissioner Redman, seconded by Commissioner Bing, the following resolution was adopted by a 5-0 vote:

WHEREAS, on July 24, 1974, the Board of County Commissioners issued Development Order 74-7 for LaMonte-Shimberg Corporation's Development of Regional Impact, hereinafter referred to as Brandon Mall, a copy of said Development Order is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, on November 8, 1974, the Board of County Commissioners approved Petition 74-370A, which action rezoned the described property to the C-U zoning classification as described in the Zoning Regulations of Hillsborough County; and,

WHEREAS, the general site plan included in Development Order 74-7 and incorporated into Petition 74-370A designated a specific parcel to be used as a bank; and,

WHEREAS, on November 18, 1982, Martin Stein, Trustee, successor in interest to LaMonte-Shimberg Corporation, proposed a specific amendment to Development Order 74-7 and Petition 74-370A, the purpose of which was to change the bank use as designated on the described site plan to a restaurant; and,

WHEREAS, staff of the Department of Development Coordination reviewed the proposed amendment; and,

WHEREAS, pursuant to the Zoning Regulations of Hillsborough County, Martin Stein, Trustee submitted a revised general site plan for the Brandon Mall, which site plan evidenced the change in designation, a copy of which is attached hereto as Exhibit B and incorporated herein by reference; and,

WHEREAS, on December 13, 1982, the Board of County Commissioners conducted a public hearing pursuant to the terms of the Zoning Regulations of Hillsborough County applicable to the CU zoning classification, to consider the proposed change in designation; and,

WHEREAS, at the conclusion of the described public hearing, the Board of County Commissioners approved Petition 83-63, which action effectively amended the general site plan to reflect the change from a bank use to a restaurant use; and,

WHEREAS, on December 13, 1982, the Board of County Commissioners declared in concept that the proposed change in designation would not create a reasonable likelihood of additional adverse regional impact.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 9th DAY OF March, 1983:

1. The foregoing recitation and findings of fact are hereby incorporated into this Resolution.
2. It is the determination of the Board of County Commissioners that the described change in designation to a restaurant use as shown on the amended general site plan does not constitute a substantial deviation from the Brandon Mall Development of Regional Impact, pursuant to the terms of Florida Statutes 380.06, (17).
3. Development of the described parcel as a restaurant shall proceed in strict accordance with the amended general site plan and shall be subject to conditions contained in Development Order 74-7 and Petition 74-370A, as amended herein, including but not limited to specific conditions relating to buffering and contributions for roadway construction.

4. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the change in designation requires additional review of the C-U general site plan, as amended herein, said review shall take place in accordance with all applicable zoning regulations.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and Martin Stein, Trustee, successor in interest to LaMonte-Shimberg Corporation.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of March 9, 1983, as the same appears of record in Minute Book 88 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 16th day of March, 1983.

JAMES F. TAYLOR, JR., CLERK

By: J. Ed Smith
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY [Signature]
Approved As To Form And
Legal Sufficiency.

July 26, 1974

State of Florida
Department of Administration
Division of State Planning
380 Anastasia Parkway
Tallahassee, Florida 32304

Gentlemen:

Enclosed herewith is a copy of a Resolution of the Board of County Commissioners of Hillsborough County, adopted July 26, 1974. This resolution authorizes the Board of Development Order in response to the application of the Hillsborough County Board of Development Order.

This order is being submitted to you as required by Section 380.07(2), Florida Statutes (1972).

Very truly yours,

WILLIAM A. HILL, Director

James E. Regional Planning Council
3151 Third Avenue North, Suite 348
St. Petersburg, Florida 33713

RECEIVED

RESOLUTION

Upon motion of Commissioner Lester,
seconded by Commissioner Castor the
following Resolution was adopted by unanimous vote:

WHEREAS, LaMonte-Shimberg Corporation has filed with this Board an Application for Development Approval of a Development of Regional Impact (Hillsborough County Building and Zoning Department Petition #74-7-DRI) in accordance with Section 380.06(6), Florida Statutes (1972); and

WHEREAS, this Board has reviewed the application and has found the proposed development to be consistent with local land development regulations to the extent that the first phase of the proposed development should be approved; and

WHEREAS, this Board has received and considered the report of the Tampa Bay Regional Planning Council and has found the proposed development to be consistent with the Council's recommendations to the extent that the first phase of the proposed development should be approved; and

WHEREAS, this Board has on May 31, 1974, and June 28, 1974 at the Hillsborough County Courthouse, Tampa, Florida, conducted a public hearing upon the application following the publication and giving of notice required by Section 380.06(7), Florida Statutes (1972), and has heard and considered the testimony taken thereat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 24th DAY OF JULY, 1974, AS FOLLOWS:

1. That the definitions found in Chapter 380, Florida Statutes (1972), shall control the construction of any so-defined terms appearing in this Resolution.

2. That this Resolution shall constitute the Development Order

of this Board issued in response to the Application for Development Approval of a Development of Regional Impact filed by La Monte-Shimberg Corporation (Hillsborough County Building and Zoning Department Petition #74-7-DRI).

3. That this Development Order shall be deemed rendered as of the date of this Resolution for purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes (1972).

4. That this Development Order shall remain in effect for a period of five years from and after the date of its rendition, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity.

5. That this Development Order shall not encompass any proposed development which constitutes a substantial deviation from the terms of the application or which is not to be commenced until after the expiration of its period of effectiveness and any such proposed development constituting a Development of Regional Impact shall require the filing, review, and approval of a separate Application for Development Approval in accordance with Section 380.06(6), Florida Statutes (1972).

6. That this Board finds that the Application for Development Approval of a Development of Regional Impact of LaMonte-Shimberg Corporation (Hillsborough County Building and Zoning Department Petition #74-7-DRI) should be, and hereby does order it APPROVED subject to the following conditions:

a. That this approval is based upon the application as supplemented and amended by those materials submitted by the applicant during the review process which have been placed in the Master File on this application maintained

in the office of the Building and Zoning Department of Hillsborough County and that the terms "application" and "Application for Development Approval of a Development of Regional Impact", wherever they appear in this order, unless clearly indicated otherwise by the context in which they appear, shall include said supplementary and amendatory materials in said Master File:

b. This approval is limited to the first phase of the proposed development, being a shopping center containing approximately 530,000 square feet of gross leasable area including two major department stores, and further development shall be permitted only after submission to and approval through the DRI review process.

c. The applicant shall fulfill its voluntary commitment to contribute to road improvements in the vicinity of the proposed development as evidenced by its letter attached hereto as Exhibit "E".

7. That the following are hereby incorporated by reference and made a part of this Development Order:

a. The "Application for Development Approval" submitted by Charter Engineering, Inc. on behalf of La Monte-Shimberg Corporation in March, 1974, including separately bound supplements, "Traffic and Access Study, The Mall, Brandon, Florida" by Wilbur Smith and Associates, January, 1974, "Subsurface Investigation Proposed Borrow Area Woodbury Property, Brandon, Florida" by Orofino and Company, July, 1973, and "An Analysis of Market Potential for Department Stores at Proposed Site" by W. R. Smolkin and Associates, Inc., December, 1972;

b. Supplementary and Amendatory materials submitted

Richard L. Ake
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone 223-7811

March 7, 1986

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Attn: Bruce R. Belrose

Re: Amendments to Development Order 74-7 - LaMonte-Shimberg
Corporation, Brandon Mall a/k/a Regency Square

Dear Mr. Belrose:

Enclosed please find an executed copy of each of the Resolutions
amending Development Order 74-7 as follows:

Resolution No. R85-0260 - Approved by the Hillsborough County
Board of County Commissioners on September 17, 1985

Resolution No. R85-0261 - Approved by the Hillsborough County
Board of County Commissioners on December 10, 1985

We are providing these copies for your files.

Sincerely,

RICHARD L. AKE, CLERK
BOARD OF COUNTY COMMISSIONERS

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Deputy Clerk

ELF/lt

cc: Board files (Origs.)
State Land Planning Agency
Martin Stein, Regency Group
Liz Eddy, Asst. County Attorney
Laura Belflower, St. Planner, Dept. Development Coordination

Enclosures