



NOPC

Notice of Proposed Change Report
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DRI #103 - COOPER CREEK MANATEE COUNTY

On August 31, 2016 (dated August 24, 2016), the Applicant submitted a Notice of Proposed Change application requesting modifications to the Development Order. Supplemental information was provided on April 11, 2017 (dated March 3, 2017). The following constitutes a summary of project entitlements and history, a description of the proposal, and the Council recommendation.

PROJECT DESCRIPTION

The Development Order has been amended a total of 12 times, most recently on December 1, 2011 (Ordinance No. 11-38). The amendments have cumulatively: consolidated the project into a single phase; extended the buildout and Development Order expiration dates, inclusive of extensions associated with SB 360, SB 1752 & HB 7207 (i.e. 2009, 2010 & 2011 legislation, respectively) [the Development Order expiration date has been cumulatively extended to December 30, 2020]; authorized any combination of approved land uses if the anticipated p.m. peak hour external vehicle trips do not exceed 2,832 trips; modified the required transportation improvements, including two "safety" improvements; recognized new owners/Master Developers; authorized potential conversion of Parcel J OR Parcel K to Vo-Tech/School (maximum of 46,000 sq. ft.); exchanged 113 residential units (various residential parcels) for 20,000 sq. ft. Vo-Tech/School space (Parcel K); increased Commercial by 49,000 sq. ft. (to 794,000) and Office by 83,000 sq. ft. (to 223,000); added an Honore Ave. access point and a "right-in/right-out" only access point along University Pkwy.; extended the frequency of future monitoring to Biennial (due on January 9th of all even-numbered years); modified the limitations and provisions associated with the Land Use Equivalency Matrix; recognized Assisted Living Facility as a potential use on Parcels G and/or K that can only be attained through conversion from other project use(s); modified the designated Conservation Areas illustrated in Exhibit C (and definitions thereof) to reflect "*recorded Conservation Easements and conservation areas (both wetlands and uplands)*" as well as existing "*wetlands in the developed portion of the site that may not be under a conservation easement*"; modified Map H to reflect revised Conservation area designations and revise access to internal Cooper Creek Boulevard; and modified General Condition D(6) to alternatively require mitigation for impacts in accordance with State requirements, or Manatee County Comprehensive Plan if mitigation is not required by the State.

The following constitutes the currently-approved plan of development:

BUILDOUT DATE	RESIDENTIAL		COMMERCIAL (Sq. Ft.)	OFFICE (Sq. Ft.)	VO-TECH/SCHOOL (Sq. Ft.)	MOTEL (Rooms)
	SF Units	MF Units				
Dec. 30, 2019	403	364	816,167 ¹	178,666 ¹	20,000 ²	250

- Entitlements are reflective of a 2015 conversion approved by Manatee County in which 44,334 sq. ft. of Office was converted for 22,167 sq. ft. of Commercial to facilitate an expansion of the Home Goods retail store.
- An additional 26,000 sq. ft. of Vo-Tech/School can be attained with a simultaneous reduction of Commercial (Parcel J) or Office (Parcel K) at a 1:1 ratio.

CURRENT NOPC DESCRIPTION

The applicant has requested the following modifications to the Development Order:

- Increase the approved Commercial use by 135,033 sq. ft. (to 951,200 sq. ft.);
- Increase the approved Office use by 200,034 sq. ft. (to 378,700 sq. ft.);
- Increase the approved Hotel use by 150 Rooms (to 400 Rooms);
- Increase the approved Multi-Family Residential units by 250 units (to 614 Multi-Family units and 1,017 units overall);
- Establish a Land Use Equivalency Matrix to guide future conversion(s) of entitlements, if applicable; and
- Modify the Master Development Plan to reflect the additional entitlements referenced above.

CONSISTENCY WITH SUBSECTION 380.06(19), FLORIDA STATUTES

The following statutory citations apply to this proposal:

SUBSECTION REFERENCE #	SUBSECTION VERBIAGE AND COMMENTARY (WHERE APPLICABLE)
380.06(19)(b)3.	<i>An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater... shall cause the development to be subject to further development-of-regional-impact. [Proposed expansion of 200,034 sq. ft. would constitute a 119.60% increase from the 178,666 sq. ft. of Office currently approved]</i>
380.06(19)(b)4.	<i>An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater... shall cause the development to be subject to further development-of-regional-impact. [Proposed expansion of 250 Multi-Family Residential units would constitute a 68.68% increase from the 364 Multi-Family Residential units currently approved and a 32.59% increase in Residential development from the 767 overall units approved]</i>
380.06(19)(b)6.	<i>An increase in commercial development by 60,000 square feet of gross floor area, or of parking spaces provided for customers for 425 cars or a 10-percent increase of any of these, whichever is greater... shall cause the development to be subject to further development-of-regional-impact. [Proposed expansion of 135,033 sq. ft. would constitute a 16.54% increase from the 816,167 sq. ft. of Commercial currently approved]</i>
380.06(19)(e)2.d.	<i>Changes in the configuration of internal roads which do not affect external access points... is not a substantial deviation.</i>
380.06(19)(e)2.k.	<i>Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project... is not a substantial deviation. However, by contrast, proposal(s) resulting in an increased number of external peak hour trips is presumed to create a substantial deviation.</i>
380.06(19)(e)3.	<i>Except for the change authorized by subparagraph 2.f., any addition of land not previously reviewed or <u>any change not specified in paragraph (b) or paragraph (c)</u> shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence. [Underlined to express emphasis]</i>
380.06(19)(e)6.	<i>If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.</i>

SUBSECTION REFERENCE #	SUBSECTION VERBIAGE AND COMMENTARY (WHERE APPLICABLE)
380.06(19)(f)2.	<i>The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.</i>

DISCUSSION

The following statements serve as representations made by, or on behalf of, the Applicant or are acknowledgments or recommendations made by Tampa Bay Regional Planning Council staff. These references/recommendations were relied upon by the Tampa Bay Regional Planning Council to conclude that no unmitigated regional impacts would result from this proposal:

1. *There are no anticipated additional wetland/environmental impacts associated with this application.* August 24, 2016 correspondence/Transmittal Letter)
2. The Applicant has “*confirmed*” that the proposed increase of Residential units would be limited to Multi-Family units and that the number of Single-Family Residential units would remain constant at 403. (March 3, 2017 correspondence/Response to TBRPC #3/Page 1)
3. The Applicant has withdrawn their prior requests for extensions of the project buildout and Development Order expiration dates. (March 3, 2017 correspondence/Response to TBRPC #4.A./Page 2)
4. Potential and additional impacts water, wastewater, solid waste, parks and schools will be addressed with Manatee County “*during the Site Plan submittal process.*” (March 3, 2017 correspondence/Response to TBRPC #5.A./Page 2)
5. *There are no proposed impacts for the project’s Preservation or Conservation areas.* (March 3, 2017 correspondence/Response to TBRPC #6.B./Page 3)
6. The Applicant has “noted” a requested stipulation that all future conversion requests be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Economic Opportunity a minimum of 14 days prior to consideration of approval by Manatee County (March 3, 2017 correspondence/Response to TBRPC #17.B./Page 5). Such stipulation shall be included in the Development Order.
7. The Developer’s transportation analyses has demonstrated that the number of net PM Peak Hour trips will not increase above the currently approved 3,058 trips even when adding the aforementioned expansion entitlements. This was primarily attributed to the fact that prior transportation studies conducted for the project did not take into account such factors as “*diverted trips from I-75*”, “*consolidation of retail shopping centers*” (that subsequently occurred) and “*a multi-modal approach.*” (May 2, 2017 e-mail to John Meyer from Kimley-Horn, as supplemented by May 16, 2017 e-mail to John Meyer from FDOT)
8. As may be applicable, any additional transportation mitigation that may be imposed by Manatee County in association with the proposed expansions of Commercial, Office, Hotel and Multi-Family Residential development shall be identified and disclosed within the Development Order as well as the timing associated with its required implementation.

If and when approved, the following would constitute the modified plan of development for the project:

BUILDOUT DATE	RESIDENTIAL		COMMERCIAL (Sq. Ft.)	OFFICE (Sq. Ft.)	VO-TECH/SCHOOL (Sq. Ft.)	MOTEL (Rooms)
	SF Units	MF Units				
Dec. 30, 2019	403	614	951,200	378,700	20,000	400

RECOMMENDED ACTION

Indicate to Manatee County and the State Land Planning Agency that the proposal is presumed to create a Substantial Deviation, as defined above. However, it is the opinion of this agency that no unmitigated regional impacts would be expected upon inclusion of the recommendations/representations referenced above within the amendatory language, as may be appropriate. Please note that the Applicant is encouraged to resolve any potential remaining issues directly with the agency(ies) which raised those issues prior to Development Order Amendment adoption. This would and could include Manatee County and the Florida Department of Transportation.

EXHIBIT 1
GENERAL LOCATION MAP



EXHIBIT 2 PROPOSED/REVISED MASTER DEVELOPMENT PLAN

