

#114



Landscape Architecture
Urban Design
Engineering
Planning
CEI

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www.GenesisGroup.com

May 26, 2015 *(revised June 3, 2015 – changes in italics)*

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, Florida 33782
E-mail: JohnM@TBRPC.org

Re: Tampa Oaks DRI (#114) Equivalency Matrix Utilization
Folio Numbers: 037368.0000 and new parcel 037368.0100 that is being annexed

Dear Mr. Meyer:

Please accept this letter as a request by Liberty Investment Properties, Inc for a land use exchange as outlined in the Equivalency Matrix established for the Tampa Oaks DRI for parcel 037368.0000 to incorporate an additional 130 hotel rooms into the DRI by converting unutilized service center entitlements.

It should be noted that adjacent parcel 037368.0100 (a 1.07 acre parcel to the west) will be combined with 037368.0000 above and will be part of the 130 room hotel project, too. It is currently in unincorporated Hillsborough County but is being simultaneously annexed into the City of Temple Terrace and included within the Tampa Oaks DRI as an administrative change allowed by F.S. Ch. 380.06(19)(c)(2)(1). Correspondence indicating this parcel's inclusion into the DRI including a revised development plan (Map H) is attached. Both the annexation and the "e2" change are scheduled to be heard by the City of Temple Terrace on June 16, 2015

Pursuant to the DRI Development Order for Tampa Oaks as approved by Temple Terrace City Council on April 7, 1998, by Ordinance No. 976, the use of the Equivalency Matrix is described in Condition "T" and is as follows:

Condition "T"

The Equivalency Matrix (Revised November 1996), attached thereto and incorporated herein as Exhibit "J" is hereby approved. The Equivalency Matrix includes Multi-Family Residential and Retail Shopping among the approved land uses and establishes minimum and maximum levels of development for each of the approved land uses contained therein, and allows for the Developer to simultaneously exchange approved land uses in accordance with the Equivalency Matrix. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs

("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and the City of Temple Terrace of said selection and shall also provide DCA, TBRPC, and the City of Temple Terrace with cumulative land use totals and remaining allowable quantities in the subsequent annual report for the Development. This condition shall not be construed as a requirement for an approval of a particular land use so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix, attached hereto and incorporated herein as Exhibit G."

The table below outlines the Base Entitlements that were approved with the Development Order Amendment for Tampa Oaks as outlined above, taking into consideration the land use exchange by the Opus Group that occurred in October 2005.

LAND USE	BASE ENTITLEMENTS ¹	LAND USE EXCHANGE	CUMULATIVE ENTITLEMENT
Office	560,000 sf	114,551 sf / 296 MF dus 3,119 sf / 842 sf Retail Total: 117,670 (2)	442,330 sf
Service Center	195,000 sf	-	195,000 sf
Retail	9,158 sf gla	-	10,000 sf ala
Hotel	150 rooms	-	150 rooms
Multi-family	234 dus	-	530 dus

¹Defined in Ordinance No. 994.

²Defined in Resolution No. 96-310. Office exchange is 2.584 dus/ksf, and 270 sf gla - Retail/ksf. A copy of the Equivalency Matrix Table (as attached).

According to the Community Development Department of the City of Temple Terrace, the table below outlines the base entitlements remaining in the Development Order.

LAND USE	BASE DRI ENTITLEMENTS APPROVED	BASE ENTITLEMENTS BUILT	BASE ENTITLEMENTS REMAINING
Office	442,330 sf	282,722	159,608
Service Center	195,000	8,068	186,932
Retail	10,000	0	10,000
Hotel Rooms	150	148	2
Residential (Multi-Family Units)	530	496	34

However, it should be noted that recently, on March 19, 2015, an adjacent property owner within the DRI – Christian Tyler Properties, LLC (CTP) – requested an amendment to the development

mix by utilizing the Equivalency Matrix and added 260 Multi-Family units ($260 + 2.7823 = 93.448$) and simultaneously reduced the "Service Center" approved uses by 93,448 sf; thereby leaving the remaining "Service Center" approved square footage at 93,484 ($186,932 - 93,448 = 93,484$). The letter initiating this conversion is attached.

Thus, the table on the following page outlines the base entitlements remaining unbuilt and available in the Development Order minus that built and/or allocated to other property owners.

LAND USE	BASE DRI ENTITLEMENTS APPROVED	BASE ENTITLEMENTS BUILT	BASE ENTITLEMENTS ALLOCATED (requested by CTP on 3/25/15)	BASE ENTITLEMENTS REMAINING
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Hotel Rooms	150	148	0	2
Residential (Multi-Family Units)	530	496	+260	34

Based on Exhibit "3" (also referred to as Table 1B in the Technical Memorandum submitted as support documentation for the Land Use Equivalency Matrix) to the Restated and Amended Development Order (see select pages attached as Exhibit "A"), the Equivalency Matrix permits the trade-off of approved uses in the "Service Center" column to be exchanged for "Hotel Rooms" at an equivalence factor of 4.277 dus/ksf. Therefore, we respectfully request that both TBRPC and the City of Temple Terrace make note that Liberty Investment Properties, Inc, has exercised its rights to trade off "Service Center" for "Hotel Rooms" in the following amounts for its parcels:

Amend by adding 130 hotel rooms ($130 / 4.277 = 30.389$) and simultaneously reducing the "Service Center" approved uses by 30,389 sf; thereby leaving the remaining "Service Center" approved square footage at 63,095 sf ($93,484 - 30,389 = 63,095$).

Please note that the Equivalency Matrix, as attached, has minimums and maximums for each land use. The maximum number of hotel rooms that may be considered is 1,000 rooms. As there are 150 rooms already allocated within the DRI today (148 rooms built, 2 unbuilt) and the request is for 130 additional rooms (or 280 rooms total), the project will still be well below the 1,000 hotel room maximum.

It should be noted that with the development of our parcels and with the development of CTP's property to the south, it appears that all remaining vacant properties within the DRI will be developed.

It is also important to note that the latest Annual Report for Tampa Oaks indicates that the project appears to be proceeding in a manner consistent with the Development Order. A traffic

Mr. John Meyer
May 26, 2015 revised June 3, 2015 changes in italics)
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Please notify me upon acceptance of this request by the Tampa Bay Regional Planning Council. Feel free to contact me at (813) 620-4500 or kmineer@genesisgroup.com if you have any questions regarding the land use exchange request. I look forward to hearing from you soon.

Sincerely,
GENESIS



Kevin Mineer, AICP
Planning Department Manager
KM:wjg

CC (via email):

Chris A. Wiglesworth, Florida Department of Economic Opportunity

Lorraine Lyn, City of Temple Terrace

Rick J. Wilson, Project Director - Project and Development Services, CNL Commercial Real Estate

Matthew Downs, Vice President, Liberty Investment Properties, Inc.

Attachments

Attachment A - Equivalency Matrix from the Tampa Oaks (AKA State Street) DRI

Attachment B - Correspondence from the City of Temple Terrace adding parcel 037368.0100 (a 1.07 acre parcel) into the DRI and a revised development plan (Map H) as an "e2" change and correspondence from an adjacent property owner within the DRI - Christian Tyler Properties, LLC to the TBRPC invoking the Equivalency Matrix.

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May 26, 2015 revised June 3, 2015 changes in italics)
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Attachment A

Equivalency Matrix from the Tampa Oaks (AKA State Street) DRI #114. This is also referred to as Exhibit "3" within Ordinance # 976 and also referred to as Table 1B in the Technical Memorandum submitted as support documentation for the Land Use Equivalency Matrix)

CTP

EXHIBIT "A" to Equivalency Matrix Utilization Letter (Retyped for clarity of print only.)

EXHIBIT "G" TO THE RESTATED AND AMENDED DEVELOPMENT ORDER

EQUIVALENCY MATRIX¹ State Street Florida NOPC Revised November 1996

Change From: Change To:	Office	Service	Hotel	Accessory Retail
Office	N/A	1,076 sf/ksf (1.0767) ³	251 sf/Room (0.2517) ³	3,712 sf/ksf ² (3.7124) ³
Service	928 sf/ksf (0.9288) ³	N/A	233 sf/Room (0.2338) ³	3,448 sf/ksf (3.448) ³
Hotel	3.973 Rooms/ksf (3.9732) ³	4.277 Room/ksf (4.2778) ³	N/A	14.75 Rooms/ksf (14.7500) ³
Accessory Retail	269 sf/ksf (0.2694) ³	290 sf/ksf (0.2900) ³	67 sf/Room (0.0678) ³	N/A
Multi-Family	2.584 dus/ksf (2.5842) ³	2.782 dus/ksf (2.7823) ³	0.65 dus/Room (0.6504) ³	9.593 dus/ksf (9.5935) ³
Retail Shopping	270 sf/ksf (0.2702) ³	290 sf/ksf (0.2909) ³	68 sf/Room (0.0680) ³	1.003 sf/ksf (1.0031) ³

¹ Land use exchanges are based on total net external p.m. peak hour project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Equivalency Factor Formula = $\frac{\text{Approved Yet Unbuilt Land Use External Peak Direction Trip Rate (Table 2B)}}{\text{Proposed Land Use External Protection Trip Rate (Table 2B)}}$

Example: Office to Service Equivalency Factors = $\frac{0.7946 / \text{ksf}}{0.8556 / \text{ksf}} = 0.9288 \text{ ksf} / \text{ksf}$

Land Use	Minimum	Maximum ⁴
Office	0 sf	760,000 sf
Service	0 sf	530,000 sf
Hotel	0 rooms	1,000 rooms
Retail *	0 sf	135,000 sf
Multi-Family Residential *	0 DUs	1,200 DUs

* Either Accessory or Free-Standing.

⁴ Actual maximum number shall not exceed 20 DUs/gross acre pursuant to the provisions of the Comprehensive Plan. Dwelling Units in excess of 768 may not be constructed without a commitment from the applicable wastewater service provider that additional wastewater volumes are available. Dwelling units in excess of 1,155 may not be constructed without a commitment from the applicable water service provider that additional water volumes are available.

² Example exchanges:

Add 50,000 sf Office by reducing Accessory Retail: $50 \text{ ksf} \div 3.7124 = 13.468$; Reduce Accessory Retail by 13,468 sf
Add 25,000 sf Retail Shopping by reducing Office: $25 \text{ ksf} \div 0.2702 = 92.524$; Reduce office by 92,524 sf

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Kevin Mineer, AICP
Planning Department Manager
KM:wjg

CC (via email):

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MECHANIK NUCCIO HEARNE & WESTER

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

305 S. BOULEVARD
TAMPA, FLORIDA 33606-2150

INTERNET ADDRESS: <http://www.floridalandlaw.com>

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ANNE Q. POLLACK
J. MEREDITH WESTER*

OF COUNSEL:
RICHARD W. CANDELORA*

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*NORTH TAMPA OFFICE: 18560 N. DALE MABRY HWY.
LUTZ, FLORIDA 33548-7900

TEL: (813) 968-1002

FAX: (813) 968-1502

REPLY TO: ☒ TAMPA
☐ NORTH TAMPA

August 16, 2007

Ms. Ann Sheller
City Planner / Planning Division Manager
Department of Community Development
11250 N. 56th Street
Temple Terrace, FL 33617

**RE: Tampa Oaks (f/k/a State Street) Development of Regional Impact: Three (3)
Year Extension of Phase, Buildout and Expiration Dates Pursuant to Florida
House Bill 7203**

Dear Ann:

House Bill 7203 (Ch. 2007-204), provides that "all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection."

This letter constitutes notice pursuant to HB 7203. Development activities within the above referenced DRI are ongoing (as of July 1, 2007). Construction is underway on the approximately 104,000 sq. ft. Tampa Oaks II office building. The building permit for this building and an aerial photograph evidencing construction are enclosed with this letter.

Ms. Ann Sheller
August 21, 2007
Page 2 of 3

As such, the phase, buildout and expiration dates for the above referenced DRI have been extended by 3 years, according to the following schedule:

	APPLICABLE DATES PRIOR TO HB 7203	APPLICABLE DATES PURSUANT TO HB 7203
BUILDOUT	December 31, 2015	December 31, 2018
EXPIRATION	December 31, 2020	December 31, 2023

Please add this letter to your file for the Tampa Oaks DRI.

Sincerely yours,



David M. Mechanik

/aqp

Enclosures

cc: John Meyer, Tampa Bay Regional Planning Council
Grant Wood





CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET
P. O. BOX 16930
TEMPLE TERRACE, FLORIDA 33687
PHONE 813/989-7100
SUNCOM #967-7100
FAX #989-7185
www.templeterrace.com

December 22, 2006

Brenda Winningham
State of Florida
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

And

✓ John Meyers
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, FL 33782

Re: Development Order for State Street/Tampa Oaks Development of Regional Impact
("DRI")

Dear Ms. Winningham and Mr. Meyers:

In accordance with Section 380.07, Florida Statutes, and Rule 9J-02.025, Florida Administrative Code, I am hereby rendering to the Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC") a certified complete copy of Ordinance No. 1193, adopted by the City Council of the City of Temple Terrace, Florida, on December 19, 2006, providing for revisions including: extending the build-out date to December 31, 2015, extending the development order's termination date to December 31, 2020, changing the project's name from State Street to Tampa Oaks, and amending the development plan Map "H" to identify access points from the internal to the external roadway system network.

Sincerely,

Melissa E. Burns, MMC
City Clerk

Enclosure



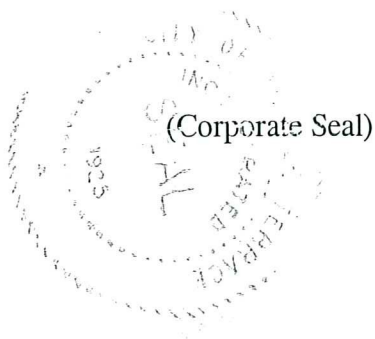
CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET
P. O. BOX 16930
TEMPLE TERRACE, FLORIDA 33687
PHONE 813/989-7100
SUNCOM #967-7100
FAX #989-7185
www.templeterrace.com

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, **HEREBY CERTIFY** that the attached is a true and correct copy of **ORDINANCE NO. 1193**, approved by the Temple Terrace City Council at the Temple Terrace Council Meeting of December 19, 2006, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and the corporate seal of the City of Temple Terrace, Florida, this 22nd day of December, 2006.



(Corporate Seal)

Melissa E. Burns

Melissa E. Burns, MMC
City Clerk
**CITY OF TEMPLE TERRACE,
FLORIDA**

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING AN AMENDMENT (THE EIGHTH AMENDMENT) TO AN AMENDED DEVELOPMENT ORDER (THE SEVENTH AMENDMENT) FOR THE STATE STREET FLORIDA (F/K/A GTE/COLLIER-64) DEVELOPMENT OF REGIONAL IMPACT NO. 114; [EXTENDING THE BUILDOUT DATE OF THE DEVELOPMENT; EXTENDING THE TERMINATION DATE OF THE DEVELOPMENT; CHANGING THE NAME OF THE DEVELOPMENT FROM STATE STREET TO TAMPA OAKS; APPROVING A REVISED MAP H; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

WHEREAS, on April 30, 1985 the Board of County Commissioners of Hillsborough County, Florida, (the County Commissioners) approved a DRI development order for the State Street Florida (formerly known as GTE/Collier-64) Development of Regional Impact ("DRI") No. 114 pursuant to the provisions of Section 380.06, Florida Statutes (hereinafter referred to as the "Original Development Order"); and

WHEREAS, the Original Development Order was thereafter amended by the County Commission on July 9, 1985 by Resolution No. R85-0125 (the "First Amendment"); on May 23, 1989 by Resolution No. R89-0119 (the "Second Amendment"); on January 23, 1990 by Resolution No. R90-0027 (the "Third Amendment"); on November 10, 1992 by Resolution No. R92-0273 (the "Fourth Amendment"); on December 10, 1996 by Resolution No. R96-310 (the "Fifth Amendment"); and

WHEREAS, on November 4, 1997, the Temple Terrace City Council (the "City Council") voluntarily annexed the real property included within the DRI, and on April 7, 1998, adopted Ordinance No. 976 which adopted a Restated and Amended Development Order (the "Sixth Amendment"); and

WHEREAS, on March 16, 1999, the City Council adopted Ordinance No. 994 which adopted an Amended Development Order (the "Seventh Amendment") (hereinafter, the Original Development Order, as amended by the First, Second, Third, Fourth, Fifth, Sixth and Seventh Amendments, shall be referred to as the "Development Order"); and

WHEREAS, on December 15, 2005, Opus South Corporation (the "Developer") submitted a Notice of Proposed Change to a Previously Approved DRI (the "Notice of Proposed Change") pursuant to Section 380.06(19), Florida Statutes, seeking to modify the DRI by extending the buildout date of the development; extending the termination date of the development; changing the name of the development from State Street to Tampa Oaks; and approving a revised Map H (the "Proposed Changes"); and

WHEREAS, the Developer provided responses to agency comments on May 16, 2006, September 25, 2006 and November 1, 2006; and

WHEREAS, the Notice of Proposed Change and responses to agency comments are attached hereto as Exhibit A, and together are referred to as the "NOPC"; and

WHEREAS, pursuant to Section 380.06(19)(c), Florida Statutes, an extension of the buildout or termination date of a development by seven (7) or more years shall be presumed to create a substantial deviation; and

WHEREAS, pursuant to Section 380.06(19)(c), Florida Statutes, a revision to Map H shall be presumed to create a substantial deviation; and

11/3/06, 11/14/06, 11/17/06, 11/20/06

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant has submitted clear and convincing evidence rebutting this presumption; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the Mayor and City Council have reviewed the Notice of Proposed Change and the Proposed Changes, as well as all related testimony and evidence submitted by all parties and members of the general public, and an advertised public hearing was held on December 5, 2006; and

WHEREAS, the Mayor and City Council have determined that the Proposed Changes do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380, Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that a DRI development order be amended to reflect the City Council's approval of changes to an adopted development order,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, that:

Section 1. **Findings of Fact.** The City Council, having received the Proposed Changes, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

- A. The City of Temple Terrace has on December 15, 2005, received a NOPC from the Developer.
- B. The Proposed Changes seek to amend the Development Order in four respects:
 - 1. To extend the buildout date for the development to December 31, 2015.
 - 2. To extend the termination date for the development to December 31, 2020.
 - 3. To change the name of the DRI from State Street to Tampa Oaks.
 - 4. To incorporate a change to Map H to show previously approved driveway access points and to delete the East/West Road.
- C. The Proposed Changes are consistent with the state comprehensive plan, the local comprehensive plan and all applicable local development regulations.
- D. The proposed change to the name of the development is not a substantial deviation pursuant to Subsection 380.06(19)(e)2.a.
- E. The proposed changes to the buildout date, the termination date, and Map H are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- F. Based on the information which is included in the Notice of Proposed Change and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

11/3/06, 11/14/06, 11/17/06, 11/20/06

- G. The Proposed Changes do not create additional regional impacts to the previously approved development, nor do they create any type of regional impact not previously reviewed, and therefore, the Proposed Changes do not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.
- H. All statutory procedures have been adhered to.

Section 2. Conclusion of Law. The City Council having made the above findings of fact, reaches 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 as set forth herein.
- B. That the review by the City Council, the Tampa Bay Regional Planning Council (the "TBRPC") 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 Ordinance, by the paying the Supplemental Transportation Mitigation Fee, as set forth in Section 3.A, below.
- C. That, based on the foregoing, and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved development order.

Section 3. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered:

- A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notice of Proposed Change, subject to the payment by the Applicant of a Supplemental Transportation Mitigation Fee to the City of Temple Terrace of \$0.91 per square foot for office uses, \$0.53 per square foot for service uses and \$2.14 per square foot for retail uses. The fee shall be indexed annually by the Producer Price Index (highway and street construction). The fee shall be due at the time of issuance of a final Certificate of Occupancy for each building. If the Equivalency Matrix is used, the fee shall be calculated using the rate of the land use type (office, service or retail) from which the equivalent use is derived.
- B. That the Development Order is hereby amended as follows:
 - 1. Section IV.A.1 of the Development Order is amended to extend the date of buildout of development to December 31, 2015; accordingly, the Revised Development Schedule set forth in Exhibit B, attached hereto and incorporated herein, is approved in lieu of the Development Schedule set forth in the Development Order.
 - 2. Section IV.S. of the Development Order is hereby amended to extend the termination date of the Development Order to December 31, 2020; accordingly, Section IV.S. is amended and restated to read:
 - S. This Order shall remain in effect until December 31, 2020. Any development activity wherein plans have been submitted to the City of Temple Terrace for its review and approval prior to the buildout date of this Order may be completed, if approved.
 - 3. The name of the Development is hereby changed to "Tampa Oaks" from "State Street."

4. The Development Order is hereby amended to refer to and incorporate Map H (Revised December 2006), attached hereto and incorporated herein as Exhibit C, in lieu of the Map H previously approved in the Development Order.
- C. The Development Order is hereby affirmed in its entirety, except as modified by this Ordinance.
- D. All of the Developer's commitments as set forth in the Notice of Proposed Change shall be honored except as such commitments are superseded by the terms and conditions of this Ordinance.

Section 4. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development Order.

Section 5. The Development Order as Amended. This Ordinance shall constitute an amendment (the Eighth Amendment) to the Development Order which is Resolution No. R85-0072, as amended by Resolution No. R85-0125, as restated and amended by Resolution No. R89-0119, as amended by Resolution No. R90-0027, Resolution No. R92-0273 and Resolution No. R96-310, as amended by Ordinance No. 976 and Ordinance No. 994, which will constitute collectively, the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case, the terms and conditions of this Ordinance shall govern.

Section 6. Binding Effect. This Amendment to the Development Order shall be binding upon the Developer, its assigns or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. In the event any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. The City Clerk is directed to send copies of this Ordinance within five (5) days of its becoming law, to Opus South Corporation, Attention: George Smith and Grant Wood, 4200 Cypress Street Suite 444, Tampa, Florida 33607; David Mechanik, Esq., 305 S. Boulevard, Tampa, FL 33606; the Florida Department of Community Affairs; and the Tampa Bay Regional Planning Council.

Section 10. Rendition. This Ordinance shall be deemed rendered upon transmittal of this Ordinance to the recipients specified in Section 9 hereof.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City of Temple Terrace Revised Charter and shall take effect upon its passage, approval and being posted or published as required by law.

Section 12. Recording. The Developer shall record a Notice of Adoption of this Amendment (Eighth Amendment) to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA THIS 19th DAY OF December, 2006.

11/3/06, 11/14/06, 11/17/06, 11/20/06

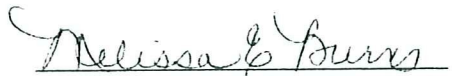
APPROVED BY THE MAYOR THIS 19th DAY OF December, 2006.

(CORPORATE SEAL)



Joseph A. Affronti, Sr., Mayor

ATTEST:


Melissa E. Burns, MMC, City Clerk

11/3/06, 11/14/06, 11/17/06, 11/20/06

EXHIBIT A
NOTICE OF PROPOSED CHANGE AND SUFFICIENCY RESPONSES

The Notice of Proposed Change, together with all of its attachments, is hereby incorporated by reference, and is on file with the office of the City Clerk.

EXHIBIT B

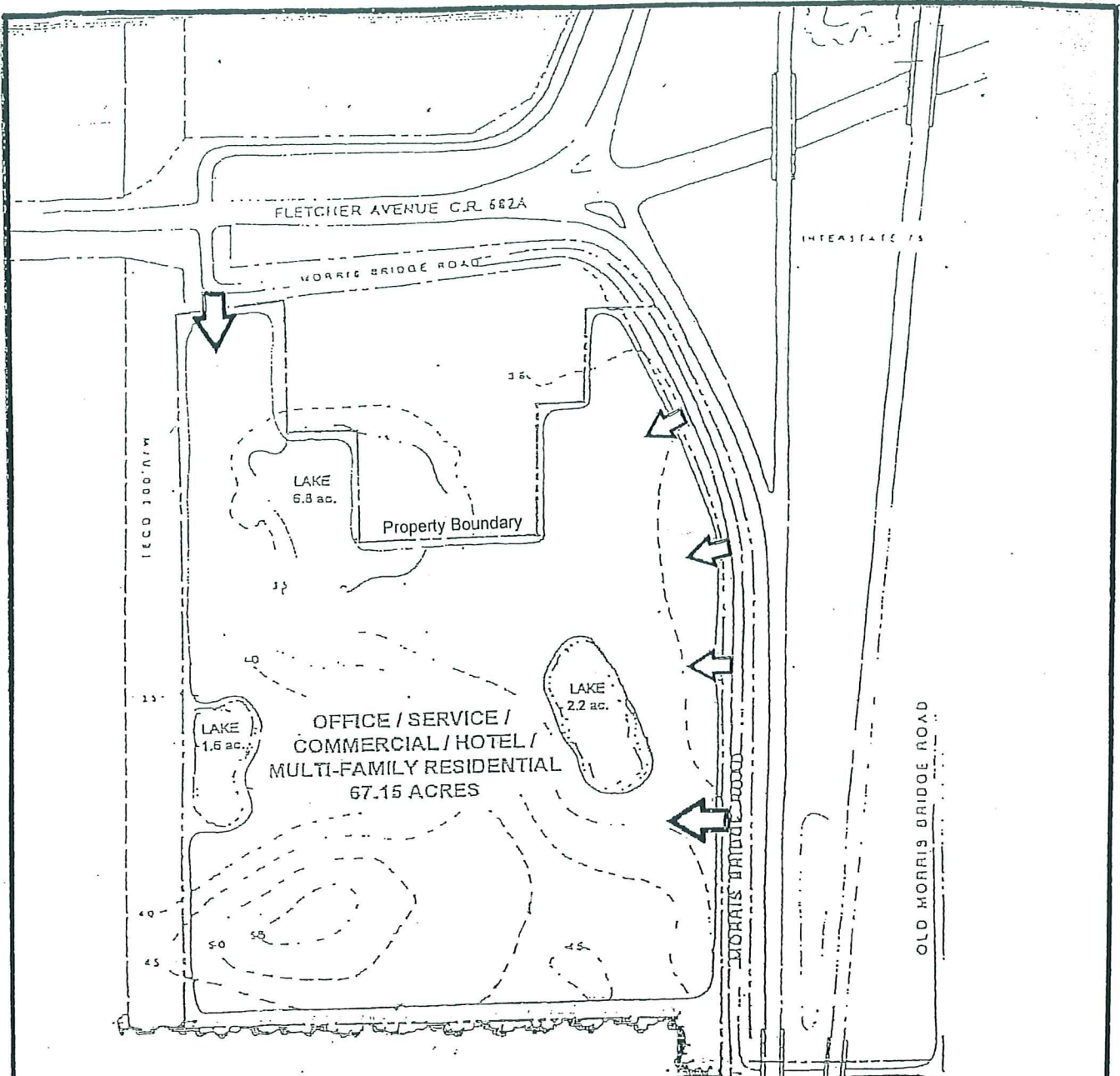
REVISED DEVELOPMENT SCHEDULE (to December 31, 2015)

LAND USE*	PARAMETERS*
Office	560,000 sfgla**
Service Center	195,000 sfgla**
Retail	9,158 sfgla**
Hotel	150 rooms

*Subject to the currently approved Equivalency Matrix which includes Office, Service, Hotel, Accessory Retail, Multi-Family Residential and Retail Shopping as potential land uses and identifies minimum and maximum levels of development for each of such approved land uses which may be implemented through the Equivalency Matrix.

**Gross Leasable Area

EXHIBIT C
MAP H (Revised December 2006)



LAND USE SUMMARY

USE	ACRES
OFFICE / SERVICE / COMMERCIAL / HOTEL / MULTI-FAMILY RESIDENTIAL	67.15
<u>LAKES / WETLANDS</u>	<u>10.60</u>
TOTAL SITE AREA	77.75

Approved Land Uses are subject to an Equivalency Matrix contained in the Development Order, as amended.

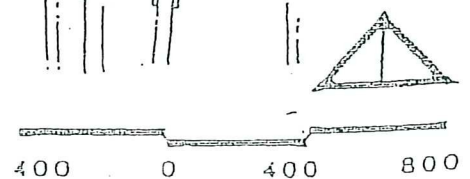


Exhibit 2
Tampa Oaks NOPC

**Revised Map H
Development Plan**
Revised December 2006



THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS

#114
OPUS SOUTH CORPORATION
A member of The Opus Group

4200 West Cypress Street, Suite 444
Tampa, FL 33607
Phone 813-877-4444
Fax 813-877-1222
www.opuscorp.com

TRANSMITTAL

To: John Meyer
From: Grant Wood
Date: December 5, 2005
Re: Tampa Oaks DRI Matrix Utilization

John-

Enclosed please find the letter request for approval of an equivalency matrix exchange for the Tampa Oaks DRI in Temple Terrace, FL that was distributed to the Tampa Bay Regional Planning Council, the Department of Community Affairs, and the City of Temple Terrace on October 3, 2005.

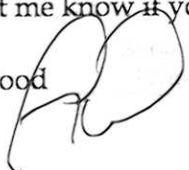
Upon approval, please send confirmation to:

City of Temple Terrace
Community Development
Attn: Thomas Moore
Post Office Box 16930
Temple Terrace, FL 33687
Moore@templeterrace.com

Grant Wood
Opus South Corporation
4200 West Cypress Street
Suite 444
Tampa, FL 33607
Grant.wood@opusouth.com

Please let me know if you have any questions. Thanks.

Grant Wood





THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS

OPUS SOUTH DEVELOPMENT, L.L.C.
A member of The Opus Group

4200 West Cypress Street, Suite 444

Tampa, FL 33607

Phone 813-877-4444

Fax 813-877-1222

www.opuscorp.com

October 3, 2005

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

RE: Tampa Oaks DRI Equivalency Matrix Utilization

Dear Mr. Meyer:

Please accept this letter as a request by Opus South for a land use exchange as outlined in the Equivalency Matrix established for the Tampa Oaks DRI for parcel 1.2 and parcel 1.3 to incorporate an additional 296 multifamily dwelling units.

Pursuant to DRI Development Order Condition 2.d. of Resolution No. R96-310 for Tampa Oaks, the use of the Equivalency Matrix requires that the following information be provided:

2.d. The Development Order is hereby amended to refer to and incorporate the Equivalency Matrix (Revised November 1996), attached hereto and incorporated herein as Exhibit "3" (hereinafter the "Equivalency Matrix") which includes Multi-Family Residential and Retail Shopping among approved land uses and establishes minimum and maximum levels of development for each of the approved land uses and which allows for the simultaneous exchange of such approved land uses; accordingly Section IV.T of the Development Order is approved to read as follows:

T The Equivalency Matrix (Revised November 1996), attached hereto and incorporated herein as Exhibit "3," is hereby approved. The Equivalency Matrix includes Multi-Family Residential and Retail Shopping among the approved land uses and establishes minimum and maximum levels of development for each of the approved land uses contained therein, and allows for the Developer to simultaneously exchange approved land uses in accordance with the Equivalency Matrix. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA), the Tampa Bay Regional Planning Council (TBRPC), and Hillsborough County [revised to indicate the City of Temple Terrace via Ordinance No. 976, Tampa Oaks has been annexed into the City] of



said selection and shall also provide DCA, TBRPC, and Hillsborough County with cumulative land use totals and remaining allowable quantities in the subsequent annual report for the Development. This condition shall not be construed as a requirement for an approval of a particular land use so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix, attached hereto and incorporated herein as Exhibit "3."

The table below outlines the Base Entitlements that were approved with the Development Order Amendment for Tampa Oaks as outlined above, taking into consideration a previously applied land use exchange that occurred in September 2003; along with the proposed Land Use Exchange and corresponding Cumulative Entitlements resulting from the current/proposed exchange.

LAND USE	BASE ENTITLEMENTS ¹	LAND USE EXCHANGE ²	CUMULATIVE ENTITLEMENT
Office	560,000 sf	114,551 sf / 296 MF dus 3,119 sf / 842 sf Retail Total: 117,670	442,330 sf
Service Center	195,000 sf	--	195,000 sf
Retail	9,158 sf gla	--	10,000 sf gla
Hotel	150 rooms	--	150 rooms
Multifamily	234 dus	--	530 dus

¹ Defined in Ordinance No. 994

² Defined in Resolution No. 96-310. Office exchange is 2.584 dus/ksf, and 270 sf gla – Retail/ksf. A copy of the Equivalency Matrix Table (Exhibit 3) is attached.

For your reference, I have also attached the traffic volume study that was prepared in accordance with the requirements for the annual report of the Tampa Oaks DRI for the reporting year May 1, 2004 to April 30, 2005.

Please notify me upon acceptance of this request by the Tampa Bay Regional Planning Council. Feel free to contact me if you have any questions regarding the land use exchange request. I look forward to hearing from you soon.

Regards,

George Smith
Director of Real Estate

CC: Department of Community Affairs
City of Temple Terrace



April 21, 2005

Mr. Grant Wood
Opus South Corporation
4200 West Cypress Street, Suite 444
Tampa, FL 33607

REC'D APR 25 2005

Reference: Tampa Oaks Annual Report (fka State Street and fka GTE 64)

Dear Mr. Smith:

Pursuant to DRI Development Order Condition IV.N for Tampa Oaks, the Annual Report requires that the following traffic volume information be provided:

Section IV.N "When Certificates of Occupancy have been issued for 75,000 square feet of office space (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour traffic counts at the project entrance shall be instituted to verify that the projected number of external trips for the development are not exceeded."

It is our understanding that more than 75,000 sf of office space (or its equivalent) has been constructed and occupied. Thus, pursuant to the above condition, the required traffic information is provided below.

2003/2004 PM PEAK HOUR TRAFFIC COUNTS*
Tampa Oaks

Actual PM Peak Hour Count	Approved External Traffic	Percent of Approved External Traffic
513	762**	67.3%

* Source: Traffic Counts taken on Tuesday 4/20/05, copy of counts attached.

** PM Peak Hour project traffic volume obtained from DRI Development Order (R96-310).

Should you have any questions during your review of this information please do not hesitate to contact me.

Sincerely,
Coen & Company


Randy Coen, AICP
President

Attachment: Traffic counts
Planning & Transportation Services

Mailing Address: P.O. Box 10658 Tampa, Florida 33679-0658
Physical Address: 1509 West Swann Avenue, Suite 225, Tampa, Florida 33606

Phone: 813.253.5779
Fax: 813.253.3037

www.CoenCoConsulting.com

TRAFFIC AND TRANSPORTATION DIVISION INTERSECTION TURNING MOVEMENT COUNT

Location: Tampa Oaks - Project Drives

Time: from _____ to _____ A.M. / 4 to 6 P.M.

Recorder: _____

Checked by: _____

PERIOD ENDING	SE Drive		NW Drive						All Drives		
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	TOTAL
4:15	11	17	8	17					19	34	53
4:30	14	26	8	17					22	43	65
4:45	12	31	11	26					23	57	80
5:00	16	19	12	24					28	43	71
5:15	41	40	16	49					57	89	146
5:30	53	39	21	41					74	80	154
5:45	41	27	20	20					61	47	108
6:00	54	22	15	14					69	36	105
SUBTOTAL											
4 - 6 PM TOTAL	242	221	111	208					353	429	782
Peak Hour Volume	189	128	72	124					261	252	513

TABLE 1B
(Revised November 1996)
EQUIVALENCY MATRIX¹
State Street Florida NOPC

Change From: Change To:	Office	Service	Hotel	Accessory Retail
Office	N/A	1,076 s.f./ksf (1.0767) ³	251 s.f./Room (0.2517) ³	3,712 s.f./ksf ⁴ (3.7124) ³
Service	928 s.f./ksf (0.9288) ³	N/A	233 s.f./Room (0.2338) ³	3,448 s.f./ksf (3.4481) ³
Hotel	3.973 Rooms/ksf (3.9732) ³	4.277 Rooms/ksf (4.2778) ³	N/A	14.75 Rooms/ksf (14.7500) ³
Accessory Retail	269 s.f./ksf ⁴ (0.2694) ³	290 s.f./ksf (0.2900) ³	67 s.f./Room (0.0678) ³	N/A
Multi-Family	2.584 dus/ksf (2.5842) ³	2.782 dus/ksf (2.7823) ³	0.65 dus/Room (0.6504) ³	9.593 dus/ksf (9.5935) ³
Retail Shopping	270 s.f./ksf (0.2702) ³	290 s.f./ksf (0.2909) ³	68 s.f./Room (0.0680) ³	1,003 s.f./ksf (1.0031) ³

¹ Land use exchanges are based on total net external p.m. peak hour project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Equivalency Factor Formula = $\frac{\text{Approved Yet Unbuilt Land Use External Peak Direction Trip Rate (Table 2B)}}{\text{Proposed Land Use External Peak Direction Trip Rate (Table 2B)}}$

Example: Office to Service Equivalency Factors = $\frac{0.7946/\text{ksf}}{0.8556/\text{ksf}} = 0.9288 \text{ ksf/ksf}$

Land Use	Minimum	Maximum ⁴
Office	0 s.f.	760,000 s.f.
Service	0 s.f.	530,000 s.f.
Hotel	0 rooms	1,000 rooms
Retail ^a	0 s.f.	135,000 s.f.
Multi-Family Residential ^b	0 DUs	1,200 DUs

^a Either Accessory or Free-standing.

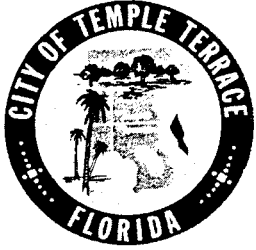
^b Actual maximum number shall not exceed 20 DUs/gross acre pursuant to the provisions of the Comprehensive Plan. Dwelling units in excess of 768 may not be constructed without a commitment from the applicable wastewater service provider that additional wastewater volumes are available. Dwelling units in excess of 1,155 may not be constructed without a commitment from the applicable water service provider that additional water volumes are available.

² Example exchanges:

Add 50,000 s.f. Office by reducing Accessory Retail: $50 \text{ ksf} \div 3.7124 = 13.468$; Reduce Accessory Retail by 13,468 s.f.
Add 25,000 s.f. Retail Shopping by reducing Office: $25 \text{ ksf} \div 0.2702 = 92,524$; Reduce Office by 92,524 s.f.

³ Actual equivalency factor for use in calculations.

⁴ Equivalency Matrix maximums referenced in Footnote #1 are less than the maximums actually achievable utilizing this matrix. However, exchanges using this matrix shall be limited to the maximums identified in Footnote #1.



CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET
P. O. BOX 16930
TEMPLE TERRACE, FLORIDA 33687
PHONE 813/989-7100
SUNCOM #967-7100
FAX #989-7185

March 18, 1999

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

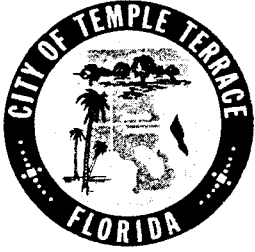
Dear Mr. Butts:

Enclosed is a certified copy of ORDINANCE NO. 994, which was adopted by the City of Temple Terrace, Florida, on March 16, 1999.

Sincerely,

Patricia A. Jones, CMC/AAE
City Clerk

Enclosure: Ordinance No. 994



CITY of TEMPLE TERRACE

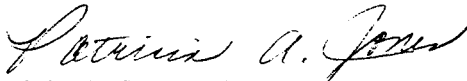
11250 NORTH 56TH STREET
P. O. BOX 16930
TEMPLE TERRACE, FLORIDA 33687
PHONE 813/989-7100
SUNCOM #967-7100
FAX #989-7185

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

**I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida
HEREBY CERTIFY that the attached is a true and correct copy of ORDINANCE NO.
994, adopted by the Temple Terrace City Council on March 16, 1999, according to the
official records of the City on file in the Office of the City Clerk.**

**WITNESS my hand and the corporate seal of the City of Temple Terrace, Florida, this 18th
day of March, 1999.**

(Corporate Seal)


**Patricia A. Jones, CMC/AAE
City Clerk**

ORDINANCE NO. 994

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING AN AMENDMENT (THE SEVENTH AMENDMENT) TO A RESTATED AND AMENDED DEVELOPMENT ORDER (THE SIXTH AMENDMENT) FOR THE STATE STREET FLORIDA (F/K/A GTE/COLLIER-64) DEVELOPMENT OF REGIONAL IMPACT NO. 114; ADDING ACREAGE AND SERVICE SQUARE FOOTAGE TO THE DRI, CORRECTING A SCRIVENER'S ERROR AND APPROVING A REVISED PLAN OF DEVELOPMENT; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, on April 30, 1985, the Board of County Commissioners of Hillsborough County, Florida, (the County Commission) approved a DRI development order for the State Street Florida (formerly known as GTE/Collier-64) Development of Regional Impact (DRI) #114 pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the DRI development order was thereafter amended by the County Commission on July 9, 1985 by Resolution No. R85-0125 (the First Amendment); on May 23, 1989 by Resolution No. R89-0119 (the Second Amendment); on January 23, 1990 by Resolution No. R90-0027 (the Third amendment); on November 10, 1992 by Resolution No. R92-0273 (the Fourth Amendment); and on December 10, 1996 by Resolution No. R96-310 (the Fifth Amendment); and

WHEREAS, on November 4, 1997, the Temple Terrace City Council (the City Council) voluntarily annexed the real property included within the DRI, and on April 7, 1998, adopted Ordinance No. 976 which adopted a Restated and Amended Development Order (the Sixth amendment); and

WHEREAS, on December 11, 1998, Opus South Corporation and State Street Florida, Inc. jointly submitted a Notice of Proposed Change to a Previously Approved DRI (the Proposed Change) pursuant to Section 380.06(19), Florida Statutes, seeking to modify the DRI; and

WHEREAS, the Proposed Change has been reviewed by the appropriate agencies and advertised public hearings were held on March 2, and March 16, 1999, and the City Council has determined that the Proposed Amendment does not constitute a substantial deviation; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that a DRI Development Order be amended to reflect the City Council's approval of changes to an adopted development order,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, that:

Section 1. Findings of Fact. The City Council, having received the Proposed Change, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

- A. The City of Temple Terrace has, on December 14, 1998, received a NOPC from Opus South Development Corporation and State Street Florida, Inc. (together, the Developer).
- B. The Proposed Change seeks to amend the DRI Development Order in five respects:
 - 1) It seeks to add 15.279 acres of land to the approved State Street Florida DRI.

- 2) It seeks to increase the amount of Service Center square footage by 105,000 square feet.
 - 3) It seeks to correct a scrivener's error in the 1998 Restated and Amended Development Order which eliminated the requirement to dedicate right-of-way along the eastern side of the project on the western side of Morris Bridge Road.
 - 4) It provides a new legal description necessitated by the addition of acreage and provides a new plan of development which depicts a new roadway configuration within the development.
 - 5) It adds an additional authorized representative.
- C. The Proposed Change is consistent with the state comprehensive plan, the local comprehensive plan and all applicable local development regulations.
- D. The Proposed Change – specifically the addition of new property – is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- E. Based on the information which is included in the Proposed Change and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
- F. The Proposed Change does not create additional regional impacts to the previously approved development, nor does it create any type of regional impact not previously reviewed, and therefore it does not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.
- G. All statutory procedures have been adhered to.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches 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 as set forth herein.
- B. That the review by the City Council, TBRPC, and other participating agencies and interested citizens concludes that the impacts of the proposed change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.
- C. That, based on the foregoing, and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved development order.

Section 3. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered:

- A. That the Proposed Change is hereby approved and the Development Order is hereby amended as follows:

- 1) The DRI shall include the addition of 15.297 acres of land. A new legal description for the DRI is attached as **Exhibit A**.
- 2) The approved development plan of the DRI is amended to include the addition of 105,000 square feet of service center. Accordingly, the approved development within the DRI is as follows:

Office	560,000 GLA
Service Center	195,000 GLA
Retail	20,000 GLA
Hotel	350 Rooms

- 3) Page 6 of Ordinance No. 976 is amended to replace Paragraph B. with the following language: "That the Development Order is hereby amended to eliminate the requirement to dedicate right-of-way along the eastern side of the project on the western side of Morris Bridge Road (the "Morris Bridge Road right-of-way") (hereinafter the proposed modification as set forth in the Notice of Change shall be referred to as the "Proposed Change"). To reflect this change, paragraph IV.0.2. of the Development Order is hereby deleted in its entirety."
- 4) A new approved plan of development is included as **Exhibit B** attached hereto.
- 5) An additional authorized representative is approved.
- 6) Site development work related to the build-out of a portion of the project site will result in a minor intrusion to the fringe of the 6.8 acre wetland. The applicant shall not seek to permit any encroachment into this wetlands area exceeding a cumulative total of .65 acres. When permitting has been completed on this encroachment, the applicant shall place a conservation easement over the balance of the wetland area.

B. The Development Order is hereby affirmed in its entirety, except as modified by this Ordinance.

C. All of the Developer's commitments as set forth in the Proposed Change shall be honored except as such commitments are superseded by the terms and conditions of this Ordinance.

Section 4. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the Interpretation and construction of any terms of this Development Order.

Section 5. The Development Order as Amended. This Ordinance shall constitute an amendment (the Seventh Amendment) to the Restated and Amended Development Order which is Temple Terrace Ordinance No. 976 which is the Sixth Amendment to Resolution No. R85-0072, as amended by Resolution No. R85-0125, as restated and amended by Resolution No. R89-0119, as amended by Resolution No. R90-0027, Resolution No. R92-0273 and Resolution No. R96-310, which will constitute collectively, the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein shall remain in full force and effect and shall be considered conditions of the development, unless inconsistent with the terms and conditions of this Ordinance, in which case, the terms and conditions of this Ordinance shall govern.

Section 6. Binding Effect. This amendment to the Restated and amended Development Order shall be binding upon the Developer, its assigns or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. In the event any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. The City Clerk is directed to send copies of this Ordinance within five (5) days of its becoming law, to Opus South Corporation, Attention: Mr. Robert Melsom, 4200 Cypress Street, Suite 444, Tampa, Florida 33543; David Mechanik, Esq., 101 E. Kennedy Boulevard, Suite 3140, Tampa, FL 33601; the Florida Department of Community Affairs (Bureau of State Planning) and; the TBRPC.

Section 10. Rendition. This Ordinance shall be deemed rendered upon transmittal of this Ordinance to the recipients specified in Section 9. hereof.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City of Temple Terrace Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9. hereof.

Section 12. Recording. The Developer shall record a Notice of Adoption of this Amendment (Seventh Amendment) to the Restated and Amended Development Order/Sixth Amendment to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 16th **DAY OF** March, 1999.

APPROVED BY THE MAYOR THIS 16th **DAY OF** March, 1999.

(CORPORATE SEAL)


FRAN BARFORD, MAYOR

ATTEST:


PATRICIA A. JONES, CMC/AAE
CITY CLERK

EXHIBIT A
Revised Legal Description

LEGAL DESCRIPTION - EXHIBIT "A"

From the Southwest corner of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida, run thence N.89°27'36"E., 200.02 feet, along the South boundary line of said Northeast 1/4 of Section 12, to the East right-of-way line of a 200 foot wide Tampa Electric Company Transmission Line right-of-way for a POINT OF BEGINNING run thence N.00°14'23"E., 1338.65 feet, along said East right-of-way line (200 feet East of and parallel with the West boundary line of the Southwest 1/4 of the Northeast 1/4 of the said Section 12), to the North boundary line of said Southwest 1/4 of the Northeast 1/4; thence N.89°43'23"E., 1125.72 feet, along the North boundary line of said Southwest 1/4 of the Northeast 1/4, to the Northeast corner of said Southwest 1/4 of the Northeast 1/4; continue thence N.89°43'23"E., 589.55 feet, along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of the said Section 12, to the Westerly right-of-way line of the Frontage Road on the West side of State Road 93-A (I-75); thence S.05°19'06"E., 0.25 of a foot, along the Westerly right-of-way line of said Frontage Road; thence S.00°15'54"W., 1145.69 feet, along the West right-of-way line of said Frontage Road, to a point of right-of-way change; thence N.89°44'06"W., 10.00 feet, along the right-of-way line of said Frontage Road; thence S.00°15'54"W., 184.98 feet, along the West right-of-way line of said Frontage Road, to the South boundary line of the Northeast 1/4 of said Section 12; continue thence S.00°15'54"W., 209.00 feet, along the West right-of-way line of said Frontage Road; thence S.89°27'36"W., 126.17 feet, parallel with the North boundary line of the Northeast 1/4 of the Southeast 1/4 of said section 12, to the West boundary line of the East 209 feet of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 12; thence N.00°16'05"E., 209 feet, along said West boundary line, to the South boundary line of the Northeast 1/4 of said Section 12; thence S.89°27'36"W., 1578.64 feet, along the South boundary line of said Northeast 1/4, to the POINT OF BEGINNING; SUBJECT TO maintained right-of-way for 127th Avenue and the Northerly extension thereof as identified in Maintenance Book 1, Page 22, and in Official Record Book 2544, Page 879, Public Records of Hillsborough County, Florida.

AND

The South 305 feet of the North 1/2 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida, LESS the West 143 feet of the South 305 feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East AND LESS that portion of the above described property taken in that certain Order of Taking in Suit No. 80-10417 by the Division of Administration, State of Florida Department of Transportation recorded November 13, 1980 in Official Record Book 3731 on page 1304; AND LESS that portion of the above described property lying Easterly of the Easterly boundary of State Road 93-A (I-75).

AND

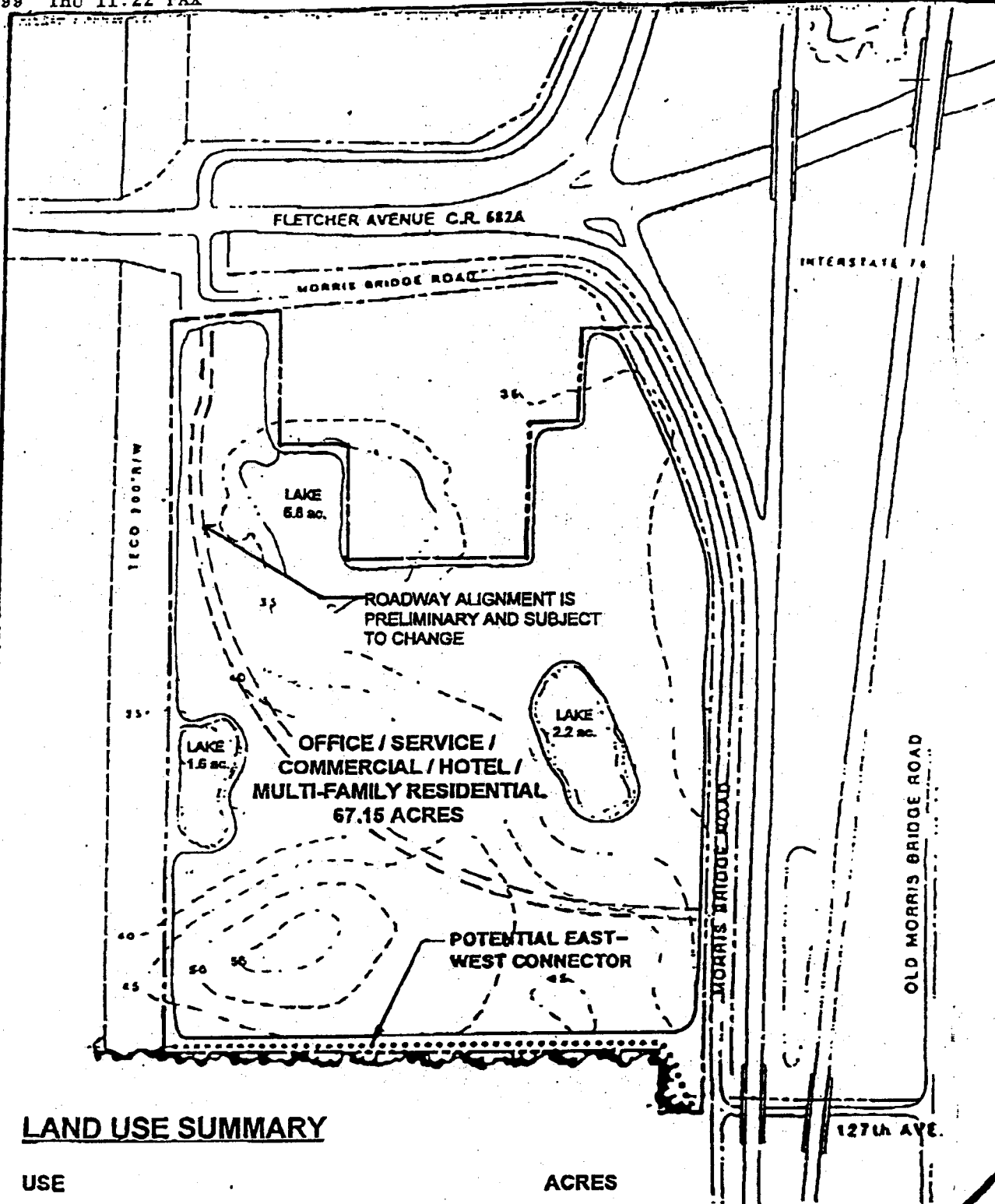
The South 1/2 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida; LESS the South 466 feet of the east 467 feet therefrom; AND LESS that portion of the herein described property taken in that certain Order of Taking in Suit No. 80-7873 by the Division of Administration, State of Florida Department of Transportation recorded September 19, 1980 in Official Record Book 3707 on page 1218; AND LESS that portion of the herein described property lying Easterly of the Easterly boundary of State Road 93-A (I-75).

AND

Lot 5 of Weatherington According to the Map or Plat thereof as recorded in plat book 82, page 7 of the public records of Hillsborough County, Florida.

EXHIBIT B

**Proposed Master Development Plan
Map H (Revised October 1998)**



LAND USE SUMMARY

USE	ACRES
OFFICE / SERVICE / COMMERCIAL / HOTEL / MULTI-FAMILY RESIDENTIAL	67.15
<u>LAKES / WETLANDS</u>	<u>10.60</u>
TOTAL SITE AREA	77.75

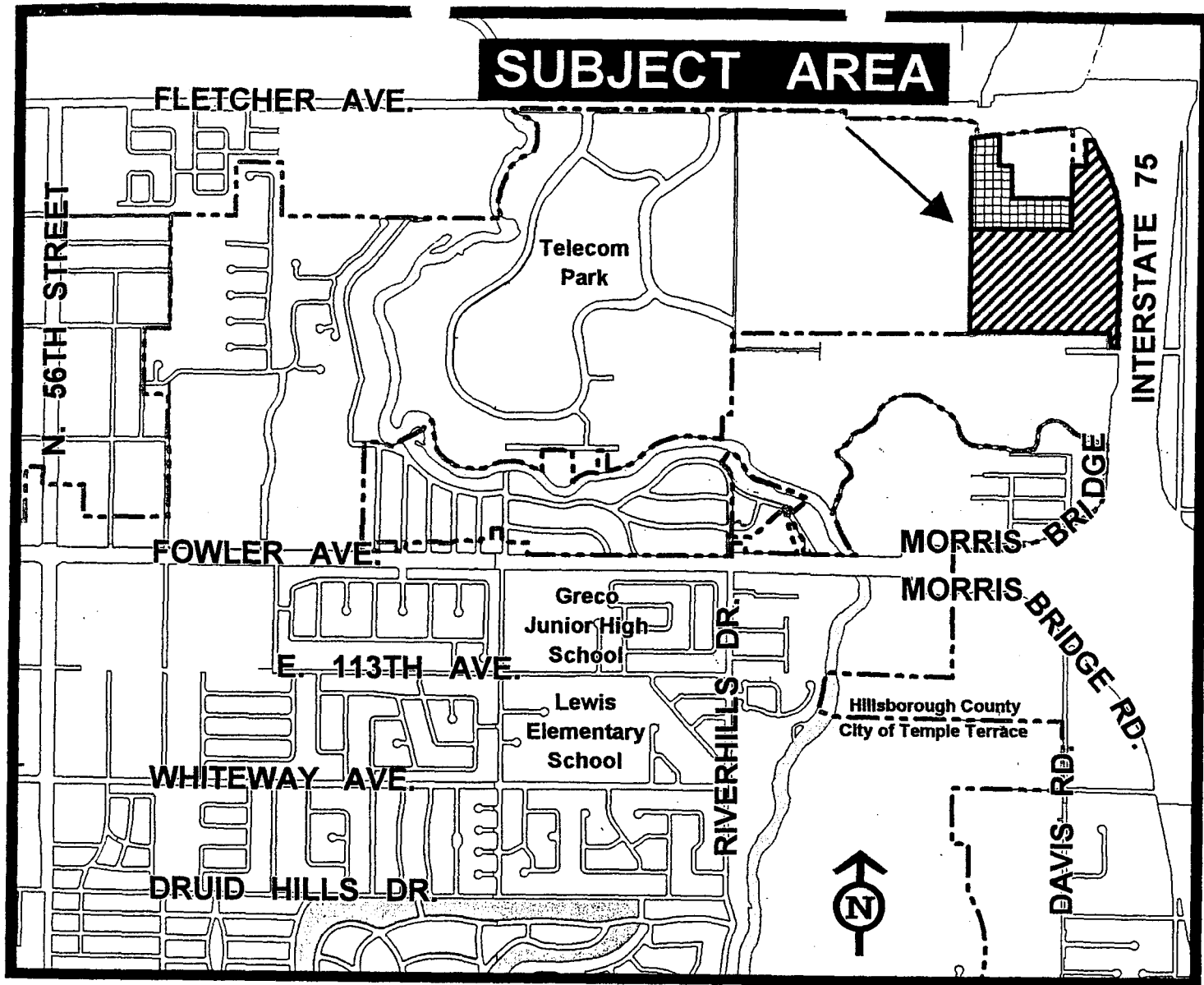
Approved Land Uses are subject to an Equivalency Matrix contained in the Development Order, as amended.

STATE STREET FLORIDA DRI
Hillsborough County, Florida

DEVELOPMENT PLAN

MAP H (Revised October 1998)

SUBJECT AREA





CITY of TEMPLE TERRACE

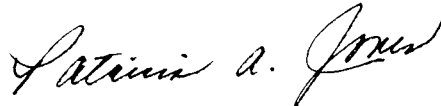
11250 NORTH 56TH STREET
P O BOX 16930
TEMPLE TERRACE, FLORIDA 33687
PHONE 813 989-7100
SUNCOM #967-7100
FAX #989-7185

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, **HEREBY CERTIFY** that the attached is a true and correct copy of **ORDINANCE NO. 976**, adopted by the Temple Terrace City Council on April 7, 1998, related to a change in the State Street Florida Inc. DRI #114, according to the official records of the city on file in the Office of the City Clerk.

DATED this 8th day of April, 1998.

(Corporate Seal)


Patricia A. Jones, CMC/AAE
City Clerk

ORDINANCE NO. 976

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING A RESTATED AND AMENDED DEVELOPMENT ORDER (THE SIXTH AMENDMENT) FOR THE STATE STREET FLORIDA (F/K/A GTE/COLLIER-64) DEVELOPMENT OF REGIONAL IMPACT NO. 114; PROVIDING FOR THE FILING OF ANNUAL REPORTS WITH THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE CITY OF TEMPLE TERRACE; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, on April 30, 1985, the Board of County Commissioners of Hillsborough County, Florida, approved a Development Order, Resolution No. R85-0072 (the "Original Development Order") for the State Street Florida (formerly known as GTE/Collier-64) Development of Regional Impact ("DRI") #114 (the "Development"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 9, 1985, the Board of County Commissioners of Hillsborough County, Florida, adopted Resolution No. R85-0125 approving a first amendment to the Original Development Order regarding dedication of right-of-way, all as more particularly set forth in Resolution No. R85-0125 (the "First Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on May 23, 1989, the Board of County Commissioners of Hillsborough County, Florida, adopted Resolution No. R89-0119 approving a Restated and Amended Development Order which restated and amended the Original Development Order, as amended by the First Amendment, to combine the project phases into a single phase and include a transportation update for the Development in accordance with the terms and conditions of the Original Development Order, as amended by the First Amendment, all as more particularly set forth in Resolution No. R89-0119 (the "Restated and Amended Development Order - Second Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners of Hillsborough County, Florida, adopted Resolution No. R90-0027 approving a third amendment to the Original Development Order, as amended by the First Amendment and as restated and amended by the Restated and Amended Development Order - Second Amendment, extending the date of buildout of the Development by two (2) years, eleven (11) months, and fifteen (15) days, all as more particularly set forth in Resolution No. R90-0027 (the "Third Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on November 10, 1992, the Board of County Commissioners of Hillsborough County, Florida, adopted Resolution No. R92-0273 approving a fourth amendment to the Original Development Order, as amended by the First Amendment, and as restated and amended by the Restated and Amended Development Order - Second Amendment, as amended by the Third Amendment, extending the date of buildout for the Development and extending the construction completion date for the required "pipeline" improvement, all as more particularly set forth in Resolution No. R92-0273 (the "Fourth Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 10, 1996, the Board of County Commissioners of Hillsborough County, Florida, adopted Resolution No. R96-310 approving a fifth amendment to the Original Development Order, as amended by the First Amendment, and as restated and amended by the Restated and Amended Development Order - Second Amendment, as amended by the Third Amendment and Fourth Amendment, extending the date of buildout of the Development, extending the termination date of the Restated and Amended Development Order - Second Amendment, as amended by the Third Amendment and Fourth Amendment, extending the construction completion date for the required "pipeline" improvement, incorporating a land use equivalency matrix which included multi-family residential and retail shopping among the approved land uses and incorporated a revised master site plan which identified the location of certain potential land uses within the Development, allowed the Developer at its option to remove the potential east-west connector internal roadway and depicted other minor refinements to the master site plan, all as more particularly set forth in Resolution No. R96-310 (the "Fifth Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes, (hereinafter the Original Development Order, as amended by the First Amendment, as restated and amended by the Restated and Amended Development Order - Second Amendment, as amended by the Third Amendment, Fourth Amendment and Fifth Amendment, shall collectively be referred to as the "Development Order" unless otherwise expressly provided); and

WHEREAS, on November 4, 1997, the Temple Terrace City Council (the "City Council") voluntarily annexed the real property herein described as the Development and more particularly described in Exhibit "A" attached hereto and by reference made a part hereof; and

WHEREAS, Subsection 380.06(15)(h), Florida Statutes (1996), requires that if property subject to a DRI ". . . is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order;" and

WHEREAS, on December 8, 1997 State Street Florida Inc. (the "Developer") filed with the City of Temple Terrace a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the State Street Florida DRI, attached hereto as Composite Exhibit "B" and incorporated herein (the "NOPC"); and

WHEREAS, the Notice of Change proposed to eliminate the requirement to dedicate right-of-way along the eastern side of I-75 (the "Morris Bridge Road Right-of-Way") (hereinafter the proposed modification as set forth in the Notice of Change shall be referred to as the "Proposed Change"); and

WHEREAS, the Proposed Change to the Development Order shall constitute the Sixth Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notice of Change and the Restated and Amendment Development Order (attached hereto as Exhibit "C"), which Restated and Amended Development Order restates the Development Order in response to the properties' annexation into the City of Temple Terrace and amends the Development Order to reflect the Proposed Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change and the Restated and Amended Development Order; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to adopt the Restated and Amendment Development Order; and

WHEREAS, the City Council has received and considered the report and recommendations of the Tampa Bay Regional Planning Council; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, that:

Section 1. Findings of Fact. The City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The City of Temple Terrace has, on November 4, 1997, annexed the State Street Florida DRI real property into the City of Temple Terrace.**
- B. State Street Florida Inc. (the "Developer"), submitted to the City of Temple Terrace the Notice of Change attached hereto as Composite Exhibit "B" and incorporated herein by reference, and the Restated and Amended Development Order attached hereto as Exhibit "C" and incorporated herein by reference.**
- C. The Notice of Change proposes to amend the Development Order to eliminate the requirement to dedicate right-of-way along the eastern side of I-75 (the "Morris Bridge Road Right-of-Way") (hereinafter the proposed modification as set forth in the Notice of Change shall be referred to as the "Proposed Change").**
- D. The Restated and Amended Development Order restates the Original Development Order (Hillsborough County Resolution No. R85-0072), as amended by the First Amendment (Hillsborough County Resolution No. 85-0125), and as restated and amended by the Restated and Amended Development Order - Second Amendment (Hillsborough County Resolution No. R89-0119), as amended by the Third Amendment (Hillsborough County Resolution No. R90-0027), Fourth Amendment (Hillsborough County Resolution No. R92-0273), and Fifth Amendment (Hillsborough County Resolution No. 96-310) and amends the Development Order to incorporate the Proposed Change.**
- E. The Proposed Change is consistent with the State Comprehensive Plan.**
- F. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.**
- G. The Development is consistent with the local comprehensive plan and all local land development regulations.**
- H. The Proposed Change is consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC") and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.**
- I. The Proposed Change will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.**

- J. A comprehensive review of the potential impacts generated by the Proposed Change described in the Notice of Change has been conducted by the City of Temple Terrace, TBRPC, and other participating agencies and interested citizens which indicates that the impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of the Development Order, as amended by this Sixth Amendment to the Development Order.**
- K. The Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.**
- L. That based upon the information which is a part of Composite Exhibit "B" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.**
- M. The Proposed Change does not create additional regional impacts to the previously approved Development, nor does it create any type of regional impact not previously reviewed, and therefore does not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.**
- N. All statutory procedures have been adhered to.**
- O. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the Original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.**

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable laws 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 Council, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.**

- C. That based on the foregoing and pursuant to Chapter 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered:

- A. That the Proposed Change is hereby approved, and the Development Order is hereby amended to incorporate the Notice of Change.
- B. That the Development Order is hereby amended to eliminate the requirement to dedicate right-of-way along the eastern side of I-75 (the "Morris Bridge Road Right-of-Way") (hereinafter the proposed modification as set forth in the Notice of Change shall be referred to as the "Proposed Change"). To reflect this change, Paragraph IV.O.2. of the Development Order is hereby deleted in its entirety.
- C. The Development Order is hereby reaffirmed in its entirety, except as modified by this Ordinance.
- D. All of the Developer's commitments as set forth in the Notice of Change shall be honored, except as such commitments are superseded by the terms and conditions of this Ordinance.

Section 4. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development Order.

Section 5. Development Order, As Amended. This Ordinance shall constitute the Restated and Amended Development Order - Sixth Amendment to Resolution No. R85-0072, as amended by Resolution No. R85-0125, as restated and amended by Resolution No. R89-0119, as amended by Resolution No. R90-0027, Resolution No. R92-0273, and Resolution No. R96-310, which shall constitute, collectively, the Development Order as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Binding Effect. This Restated and Amended Development Order, Sixth Amendment shall be binding upon the Developer, its assigns, or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. In the event any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. The City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Developer, State Street Florida Inc., Attention: Mr. Robert Melsom, 4200 Cypress Street, Suite 444, Tampa, Florida 33543, the Florida Department of Community Affairs (Bureau of State Planning) and the TBRPC.

Section 10. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

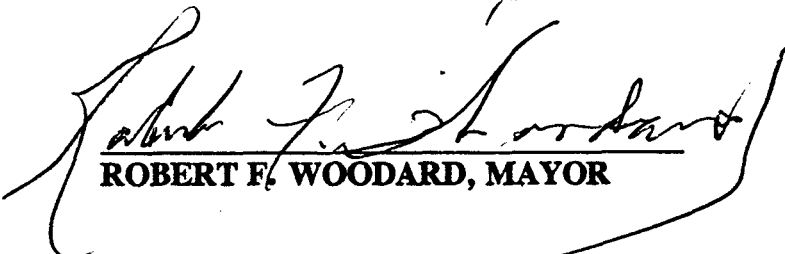
Section 11. Effective Date. This Ordinance shall become a law as provided in the City of Temple Terrace Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9. hereof.

Section 12. Recording. The Developer shall record a notice of adoption of this Restated and Amended Development Order - Sixth Amendment to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA THIS 7th DAY OF April, 1998.

APPROVED BY THE MAYOR THIS 7th DAY OF April, 1998.

(Corporate Seal)


ROBERT F. WOODARD, MAYOR

Attest:

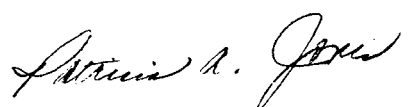

Patricia A. Jones, CMC/AEE
City Clerk

EXHIBIT “A”

EXHIBIT "A"
TO THE SIXTH AMENDED DEVELOPMENT ORDER
LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED
(STATE STREET FLORIDA, INC.)

PARCEL 1 (Exhibit A)

The South 305 feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida, LESS the West 143 feet of the South 305 feet of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, and LESS that portion of the above described property taken in that certain Order of Taking in Suite No. 80-10417 by the Division of Administration, State of Florida Department of Transportation recorded November 13, 1980 in Official Record Book 3731 on Page 1304; AND LESS that portion of the above described property lying Easterly of the Easterly boundary of State Road 93-A (I-75).

PARCEL 2 (Exhibit B)

The South 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida: LESS the South 466 feet of the East 467 feet therefrom; AND LESS that portion of the herein described property taken in that certain Order of Taking in Suite No. 80-7873 by the Division of Administration, State of Florida Department of Transportation recorded September 19, 1980 in Official Record Book 3707 on Page 1218; AND LESS that portion of the herein described property lying Easterly of the Easterly boundary of State Road 93-A (I-75).

PARCEL 3 (Exhibit C)

From the Southwest corner of the Northeast 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida, run thence N. 89 degrees 27' 36" E., 200.02 feet, along the South boundary line of said Northeast 1/4 of Section 12, to the East right-of-way line of a 200 foot wide Tampa Electric Company Transmission Line right-of-way for a POINT OF BEGINNING: from said POINT OF BEGINNING run thence N. 00 degrees 14'23"E., 1338.65 feet, along said East right-of-way line (200 feet East of and parallel with the West boundary line of the Southwest 1/4 of the Northeast 1/4 of said Section 12), to the North boundary line of said Southwest 1/4 of the Northeast 1/4; thence N.89 degrees 43'23"E., 1125.72 feet, along the North boundary line of said Southwest 1/4 of the Northeast 1/4, to the Northeast corner of said Southwest 1/4 of the Northeast 1/4; continue thence N. 89 degrees 43'23"E., 589.55 feet, along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 12, to the Westerly right-of-way line of the Frontage Road on the West side of State Road 93-A (I-75); thence S. 05 degrees 19'06"E., 0.25 of a foot, along the Westerly right-of-way line of said Frontage Road; thence S. 00 degrees 15'54"W., 1145.69 feet, along the West right-of-way line of said Frontage Road, to a point of right-of-way change; thence N. 89 degrees 44'06"W., 10.00 feet, along the right-of-way line of said Frontage Road; thence S. 00 degrees 15' 54"W., 184.98 feet, along the West right-of-way line of said Frontage Road, to the South boundary line of the Northeast 1/4 of said Section 12; continue thence S. 00 degrees 15'54"W., 209.00 feet, along the West right-of-way line of said Frontage Road; thence S. 89 degrees 27'36" W., 126.17 feet, parallel with the North boundary line of the Northeast 1/4 of the Southeast 1/4 of Said Section 12, to the West boundary line of the East 209 feet of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 12; thence N. 00 degrees 16'05"E., 209.00 feet, along said West boundary line, to the South boundary line of the Northeast 1/4 of said Section 12; thence S. 89 degrees 27'36"W., 1578.64 feet, along the South boundary line of said Northeast 1/4 to the POINT OF BEGINNING; SUBJECT TO maintained right-of-way for 127th Avenue and the Northerly extension thereof as identified in Maintenance Book 1, Page 22, and in Official Record Book 2544, Page 879, Public Records of Hillsborough County, Florida.

Exhibit B

in NOPC file

4/98 for #114.

Tim
Rutley



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

December 18, 1996

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R96-310 - Amending the Development Order for
State Street Florida (DRI #114)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
December 10, 1996.

We are providing the copy for your files.

Sincerely,

Linda Fryman
Senior Manager, BOCC Records

LF:ADF
Attachment
Certified Mail

cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Gordon Schiff, Esquire - Mac Farlane, Ausley, et al.
Vincent Marchetti, Senior Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Joe Egozcue, County Attorney's Office

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. R96-310, Amending the Development Order for State Street Florida (DRI #114), approved by the Board in its regular meeting of December 10, 1996, as the same appears of record in MINUTE BOOK 247 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of December, 1996.

RICHARD AKE, CLERK



[Signature]
Deputy Clerk

RESOLUTION NO. R96-310

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #114 DEVELOPMENT ORDER
FOR STATE STREET FLORIDA

Upon motion of Commissioner Norman, seconded by Commissioner Chillura, the following Resolution was adopted on this 10th day of Dec., 1996, by a vote of 6 to 0 Commissioner(s) _____ voting "No".

WHEREAS, on April 30, 1985, the Board of County Commissioners approved a Development Order, Resolution No. R85-0072 (the "Development Order") for the State Street Florida (formerly known as GTER/Collier-64) Development of Regional Impact ("DRI") #114 (the "Development"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 9, 1985, the Board of County Commissioners approved a first amendment to the Development Order regarding dedication of right-of-way, all as more particularly set forth in the first amendment, Resolution No. R85-0125 (the "First Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a second amendment to the Development Order, as amended by the First Amendment, regarding the combination of project phases into a single phase and a transportation update for the Development in accordance with the terms and conditions of the Development Order, all as more particularly set forth in the second amendment, Resolution No. R89-0119 (the "Second Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved a third amendment to the Development Order, as amended by the First Amendment and the Second Amendment, regarding a two (2) year, eleven (11) month, and fifteen (15) day extension of the date of buildout of the Development, all as more particularly set forth in the second amendment, Resolution No. R90-0027 (the "Third Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on November 10, 1992, the Board of County Commissioners approved a fourth amendment to the Development Order, as amended by the First Amendment, Second Amendment and Third Amendment, regarding incorporating an extension of the date of buildout for the Development and an extension of the construction completion date for the required "pipeline" improvement, all as more particularly set forth in the fourth amendment, Resolution No. R92-0273 (the "Fourth Amendment"), pursuant to the provisions of Section 380.06, Florida Statutes, (hereinafter the Development Order, as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment, shall collectively be referred to as the "Development Order"); and

WHEREAS, on February 5, 1996, State Street Florida, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes (the "Notification of Change"), for the State Street Florida DRI; and

WHEREAS, on April 22, 1996, State Street Florida, Inc. filed a supplemental response to comments (the "Supplemental Response"); and

WHEREAS, on May 16, 1996, State Street Florida, Inc. filed a second supplemental response to comments (the "Second Supplemental Response"); and

WHEREAS, on September 13, 1996, State Street Florida, Inc. filed a third supplemental response to comments (the "Third Supplemental Response"); and

WHEREAS, on October 17, 1996, State Street Florida, Inc. filed a fourth supplemental response to comments (the "Fourth Supplemental Response"); and

WHEREAS, on November 25, 1996, State Street Florida, Inc. filed a fifth supplemental response to comments (the "Fifth Supplemental Response") (hereinafter the Notification of Change, together with the Supplemental Response, the Second Supplemental Response, the Third Supplemental Response, the Fourth Supplemental Response, and the Fifth Supplemental Response, shall collectively be referred to as the "Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the date of buildout of the Development, an extension of the termination date of the Development Order, an extension of the construction completion date for the required "pipeline" improvement, the incorporation of the Land Use Equivalency Matrix (Revised November 1996), which includes Multi-Family Residential and Retail Shopping among the approved land uses and identifies minimum and maximum levels of development for each of the approved land uses, and the incorporation of the revised master site plan, Revised Map H (Revised October 1996), which identifies the location of certain potential land uses within the Development, allows the Developer at its option to remove the potential east-west connector internal roadway and depicts other minor refinements to the master site plan, all as more particularly set forth in the Notice of Change; (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes"); and

WHEREAS, the Proposed Changes shall constitute the Fifth Amendment to the Development Order; and

WHEREAS, the Board of County Commissioners has reviewed and considered the Notice of Change, as well as all related testimony and evidence submitted by the Developer, agencies and interested persons concerning the Proposed Changes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed Fifth Amendment before the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has on _____, 1996, held a duly noticed public hearing on the proposed Fifth Amendment to the Development Order and has reviewed and considered the Notice of Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order; and

WHEREAS, the Proposed Changes to the Development Order shall constitute the Fifth Amendment to the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 10th DAY OF December, 1996, AS FOLLOWS:

1. The following findings of fact and conclusions of law are made:
 - a. State Street Florida, Inc. (the "Developer") submitted to Hillsborough County the Notice of Change, a copy of which is attached hereto as Composite Exhibit "1" and incorporated herein (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes").
 - b. The Proposed Changes are consistent with the State Comprehensive Plan.
 - c. The Proposed Changes are consistent with all local land development regulations and the adopted local comprehensive plan.
 - d. The Proposed Changes are consistent with the report and recommendations of the regional planning agency submitted pursuant to Subsection 380.06(12), Florida Statutes.
 - e. The Proposed Changes will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
 - f. The Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
 - g. The review by Hillsborough County and other participating agencies and interested citizens establishes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380.06, Florida Statutes.
 - h. That based upon the analyses which are part of Composite Exhibit "1" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

- i. The Proposed Changes do not create additional impacts to the previously approved Development, nor do they create any type of regional impact not previously reviewed, and therefore the Proposed Changes do not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.
- j. All statutory procedures have been adhered to.
- k. The findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

2. The Development Order is hereby amended to extend the date of buildout of the Development, extend the termination date of the Development Order, extend the construction completion date for the required "pipeline" improvement, incorporate the Land Use Equivalency Matrix (Revised November 1996), which includes Multi-Family Residential and Retail Shopping among the approved land uses and identifies minimum and maximum levels of development for each of the approved land uses, and incorporate the revised master site plan, Revised Map H (Revised October 1996), which identifies the location of certain potential land uses within the Development, allows the Developer at its option to remove the potential east-west connector internal roadway and depicts other minor refinements to the master site plan, all as more particularly set forth in the Notice of Change, attached hereto and incorporated herein as Composite Exhibit "1". Accordingly, the Notice of Change is hereby approved, subject to the terms and conditions herein, and the Development Order is amended to incorporate the Notice of Change and as follows:

- a. Section IV.A.1 of the Development Order is amended to extend the date of buildout of development to December 31, 2005; accordingly the Revised Development Schedule set forth in Exhibit "2", attached hereto and incorporated herein, is approved in lieu of the Development Schedule set forth in the Development Order.
- b. Section IV.S. of the Development Order is hereby amended to extend the termination date of the Development Order to May 23, 2010; accordingly, Section IV.S. is amended and restated to read:

S. This Order shall remain in effect until May 23, 2010. Any development activity wherein plans have been submitted to the County for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the Board of County Commissioners upon finding of excusable delay in any proposed development activity.

- c. Section IV.P.2.c. of the Development Order is amended and restated to extend the construction completion date of the Required Improvement as follows:

- c. The Developer shall commence design of the Required Improvement upon the issuance of the first building permit of the Development and shall complete the same within nine (9) months. Obtaining necessary permits for the Required Improvement and construction of the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit for the Development, or if no building permit is issued, then by December 31, 1996. The Developer will bear any additional costs in the construction caused by the extension approved herein.
- d. The Development Order is hereby amended to refer to and incorporate the Equivalency Matrix (Revised November 1996), attached hereto and incorporated herein as Exhibit "3" (hereinafter the "Equivalency Matrix") which includes Multi-Family Residential and Retail Shopping among approved land uses and establishes minimum and maximum levels of development for each of the approved land uses and which allows for the simultaneous exchange of such approved land uses; accordingly Section IV.T of the Development Order is approved to read as follows:
- T. The Equivalency Matrix (Revised November 1996), attached hereto and incorporated herein as Exhibit "3", is hereby approved. The Equivalency Matrix includes Multi-Family Residential and Retail Shopping among the approved land uses and establishes minimum and maximum levels of development for each of the approved land uses contained therein, and allows for the Developer to simultaneously exchange approved land uses in accordance with the Equivalency Matrix. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs (DCA), the Tampa Bay Regional Planning Council (TBRPC) and Hillsborough County of said selection and shall also provide DCA, TBRPC and Hillsborough County with cumulative land use totals and remaining allowable quantities in the subsequent annual report for the Development. This condition shall not be construed as a requirement for an approval of a particular land use so long as the desired exchange is consistent with the formula set forth in the Equivalency Matrix, attached hereto and incorporated herein as Exhibit "3".
- e. The Development Order is hereby amended to refer to and incorporate Map H (Revised October 1996), attached hereto and incorporated herein as Exhibit "4", in lieu of the Map H previously approved in the Development Order.
3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
4. The Developer's Certification, attached hereto as Exhibit "5", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

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

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

7. 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 other recipients specified by statute or rule.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk to 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 December 10, 1996, as the same appears of record in Minute Book 247 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of December, 1996.

APPROVED BY COUNTY ATTORNEY:

By: [Signature]



RICHARD AKE, CLERK

[Signature]
Deputy Clerk

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

FOR:

STATE STREET FLORIDA DRI

PREPARED FOR:

STATE STREET FLORIDA, INC.

PREPARED BY:

**MACFARLANE, AUSLEY,
FERGUSON & McMULLEN
TAMPA, FLORIDA**

AND

**GREINER, INC.
TAMPA, FLORIDA**

JANUARY 1996

COMPOSITE

EXHIBIT "1"

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

FOR:

STATE STREET FLORIDA DRI

PREPARED FOR:

STATE STREET FLORIDA, INC.

PREPARED BY:

**MACFARLANE, AUSLEY,
FERGUSON & McMULLEN
TAMPA, FLORIDA**

AND

**GREINER, INC.
TAMPA, FLORIDA**

JANUARY 1996

**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 council, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of State Street Florida, Inc. 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 State Street Florida (formerly known as the GTER/Collier-64) 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 the Hillsborough County Planning and Development Management Department, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

Date

1/24/96

Signature

David M. Mechanik

2. **Applicant (Name, Address, and Phone).**

Mr. David M. Mechanik, Assistant Secretary
State Street Florida, Inc.
Post Office Box 1531
Tampa, Florida 33601
(813) 273-4345

3. Authorized Agent (Name, Address, and Phone).

Mr. David M. Mechanik
Macfarlane, Ausley, Ferguson and McMullen
Post Office Box 1531
Tampa, Florida 33601
Phone: (813) 273-4345

Mr. Mark Gentry
Greiner, Inc.
Post Office Box 31646
Tampa, Florida 33631-3646
Phone: (813) 286-1711

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Section 12, Township 28 South, Range 19 East, in unincorporated 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 in 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 four (4) proposed changes addressed in this Notification of Proposed Change (NOPC) are: (a) a request to extend the buildout date for the Development; (b) a request to extend the Development Order termination date; (c) a request to extend the construction commencement and completion dates for the required "pipeline" improvement; and (d) a request to include a land use equivalency matrix in the Development Order. This NOPC

does not propose a change which involves the master site plan map. The specific details of each proposed change are discussed below.

- A. The first proposed change consists of a request for an extension of the approved build-out date for the development from December 15, 1997 to December 31, 2005. (Note: The 1997 buildout date is discussed in further detail in response to Question 7 of this NOPC, beginning on Page I - 6).

This eight (8)-year, sixteen (16)-day extension request represents a cumulative extension of the original build-out date (1992) by thirteen (13) years. The original build-out date (1992) is referenced in Table 12.1, Development Schedule, *Application for Development Approval for the GTER/Collier-64 Development of Regional Impact*, August 1984.

In support of this request, a document entitled *Technical Memorandum: Transportation Update - State Street NOPC*, prepared by Greiner, Inc. and dated December 1995 is included in Appendix A of this NOPC. The analysis shows that the buildout date can be extended without creating the need for additional improvements. Accordingly, the extension does not create any additional impacts.

- B. The second proposed change to the Development Order requests a nine (9)-year extension of the Development Order termination date, or until December 31, 2010. This request tracks the requested extension of the buildout date since the Development Order termination date typically is set for five (5) years after the projected buildout date. This request will allow for termination of the Development Order at a date that reasonably reflects the time required to complete the development.
- C. The third proposed change to the Development Order requests an extension of the construction completion date for the Required Improvement pursuant to

Development Order Condition IV.P.2.i., by a period of twelve (12) months. All other provisions of amended Development Order Condition IV.P.2.c. (related to the specific timing of design, permitting, and construction of the Required Improvement) would remain unchanged.

The "Required Improvement" consists of the addition of fifth and sixth lanes to the four-lane divided Fletcher Avenue, generally from the southbound exit and entrance ramps to Interstate 75 westward to the Morris Bridge Road intersection with Fletcher Avenue (approximately 1,000 feet).

Development Order Condition IV.P.2.c. requires that the Developer:

"...commence design of the Required Improvement upon issuance of the first building permit for the development and shall complete same within nine (9) months. Acquisition of necessary permits for the Required Improvement and construction of the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit for the Development, or if no building permit is issued, then by December 31, 1995."

As permitting and construction of the Required Improvement were to be completed by December 31, 1995, design work began in mid-1990 in order to ensure sufficient time for all elements of the design, permitting, and construction project. Substantial delays in the review and processing of roadway design plans necessitated the need to seek a previous thirty-six-month extension of the completion date for the design, permitting, and construction of the Required Improvement. Following approval of the previous extension, the developer: (1) negotiated an agreement with Hillsborough County whereby the county would sign the FDOT application for a right-of-way use permit, since the County owns the affected right-of-way; (2) Negotiated an agreement with Hillsborough County whereby the developer would act as an Agent for the County in the processing of the FDOT permit and during project construction;

(3) Received an FDOT right-of-way use permit allowing construction of the Required Improvement; (4) Solicited qualified bid quotations from contractors to provide the required construction activities; and (5) Reviewed the submitted bid quotations to ensure adherence to the plan quantities and requirements shown in the approved permit plan set.

It is anticipated that a contractor will be selected and the contract awarded to same by the end of February 1996. Construction is expected to commence by May 1996 and be completed by November, 1996.

As the Development Order stipulates that "the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit", there is ample protection that the Required Improvement will be completed prior to, or concurrent with, any regionally significant transportation impacts which may result from the development of the project.

In support of the request to extend the deadline for completion of construction of the "Required Improvement", an updated transportation analysis (copy appended as Appendix A) has been prepared which shows that, (1) the transportation network within the study area operates at an acceptable level-of-service in the existing condition; (2) the transportation network within the study area will continue to operate at an acceptable level-of-service until completion of the Required Improvement at the requested completion date; (3) the transportation network within the study area will continue to operate at an acceptable level-of-service throughout the project buildout date discussed in Item 5.A, above, following completion of the Required Improvement; and (4) the proposed twelve (12) month extension to construct the Required Improvement will not create additional impacts.

- D. The fourth proposed change to the Development Order requests the inclusion of a land use equivalency matrix which will allow the simultaneous exchange of

previously approved office, service center, hotel, and commercial land uses within the project. In support of this request, a document entitled *Technical Memorandum: State Street Florida Land Use Equivalency Matrix*, prepared by Greiner, Inc. and dated December 1995 is included in Appendix B of this NOPC. The study assesses the potential impact of the proposed exchanges in terms of impacts to transportation, water, wastewater and solid waste facilities, and to the availability of affordable housing. The Technical Memorandum shows that the utilization of the matrix will not result in additional off-site impacts.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

Except as discussed and addressed in Item 5.D., above, no change in land use types or amounts is proposed; therefore, the substantial deviation chart has been omitted as an attachment to this NOPC.

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?**

A brief description of the history and current conditions of the project is provided here to assist in the review of this Notice of Proposed Change.

In August of 1984, a joint venture between GTE Realty Corporation and Collier Enterprises (GTER/Collier) filed an Application for Development Approval (ADA) for an approximate 64-acre site in central Hillsborough County, Florida, west of Interstate Highway 75, south of Fletcher Avenue, north of Fowler Avenue, and adjacent to Morris Bridge Road. The State

Street Florida (formerly known as the GTER/Collier-64) project is a Development of Regional Impact (DRJ) pursuant to the provisions of Section 380.06, Florida Statutes.

Following agency review and comments and a public hearing before the Board of County Commissioners, a Development Order for the State Street Florida (formerly known as GTER/Collier-64) project was approved on April 30, 1985 (Resolution Number R85-0072, "Development Order").

On July 9, 1985, a first amendment to the Development Order regarding right-of-way dedication was approved by the Hillsborough County Board of County Commissioners (Resolution Number R85-0125, "First Amendment").

On May 23, 1989, a second amendment to the Development Order was approved (Resolution Number R89-0119, "Second Amendment") which combined project phases and specified a "Required Improvement" which is to be constructed to mitigate the project's transportation impacts.

On January 23, 1990, a third amendment to the Development Order was approved to extend the date of buildout of development by two years, eleven months, and fifteen days or until December 15, 1995 (Resolution Number R90-0027, "Third Amendment").

On November 10, 1992, a fourth amendment to the Development Order was approved, extending the date of buildout of development by two years (December 15, 1997), as well as extending the date of completion of the Required Improvement by three years (December 31, 1995), or two years subsequent to the date of issuance of the first building permit (Resolution R92-0273, "Fourth Amendment").

No on-site construction activity has occurred since the Development Order was approved.

There has been no change in local government jurisdiction for any portion of the development since the Development Order was issued.

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI Development Order. Identify such land, its size, its intended use, and its adjacent non-project land uses within ½ mile on a project master site plan or other map.

No additional lands have been purchased or optioned within ¼ mile of the original DRI site.

9. Indicate if the proposed change is less than 40 percent (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Not applicable.

Do you believe this Notification of Change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?

No.

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Yes. The proposed change to amend the project's date of buildout by a period of eight (8) years and sixteen (16) days establishes a date of buildout for the single-phase development of December 31, 2005.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No amendment to the Hillsborough County local government comprehensive plan will be required.

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 distinguishing the proposed changes to the previously approved DRI or development order conditions.

No changes to the master site plan are proposed.

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 buildout 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;

Please see the proposed amended Development Order attached as Appendix C.

- 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;

Not applicable.

- c. A proposed amended Development Order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

- d. **A proposed amended Development Order termination date that reasonably reflects the time required to complete the development;**

A change is being requested which would extend, by nine (9) years, the current Development Order termination date established in Resolution No. R90-0119 or until December 31, 2010.

- e. **A proposed amended development order date to 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**

Not applicable.

- 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.**

Not applicable.

APPENDIX A

TECHNICAL MEMORANDUM

TRANSPORTATION UPDATE
STATE STREET NOPC

PREPARED FOR:

STATE STREET FLORIDA, INC.

PREPARED BY:

GREINER, INC.

DECEMBER 1995

TECHNICAL MEMORANDUM
TRANSPORTATION UPDATE
STATE STREET NOTICE OF PROPOSED CHANGE

I. INTRODUCTION

The purpose of this technical memorandum is to update and fully address existing and future transportation conditions for the current State Street Notice of Proposed Change (NOPC) study area. This analysis addresses (1) extension of the build out year of the development from 1995 to 2005 and (2) levels of service on Fletcher Avenue to determine whether a twelve (12) month extension of the completion date for the Required Improvement will have negative impacts. The findings of the analysis show that , in areas where the project's impacts have been determined to be significant, (1) the transportation network within the study area operates at an acceptable level-of-service in the existing condition; (2) the transportation network within the study area will continue to operate at an acceptable level-of-service until completion of the Required Improvement at the requested completion date; (3) the transportation network within the study area will continue to operate at an acceptable level-of-service throughout the project build out date following completion of the Required Improvement; and (4) the proposed twelve (12) month extension to complete the Required Improvement will not create additional impacts.

As required by DCA, the subject analysis was completed using current methodologies (i.e., utilize the most current traffic data, as well as update background and project traffic projections, capacity analysis tools and level-of-service standards). In addition, the previous analysis was updated using current criteria to provide for a direct comparison of the two analyses. Following is a brief summary of the items updated under each analysis and the manner in which each was updated:

- o Existing Conditions: The subject analysis was prepared using current traffic volumes based on recent traffic counts. The previous analysis was updated to include the current traffic

volumes based on recent traffic counts.

- o Build out Year: The subject analysis utilizes a project build out date of 2005. The previous analysis used the previously approved 1992 build out year.
- o Trip Generation: The subject analysis was completed utilizing the latest available trip generation information, the Fifth Edition of the Institute of Transportation Engineers' *Trip Generation*, published in 1991. The previous analysis, which utilized the Fourth Edition of the manual (published in 1987) was updated using the current trip generation information contained in the Fifth Edition manual.
- o Utilization of the FSUTMS Model: The subject analysis develops non-project traffic forecasts based on the latest Hillsborough MPO-approved FSUTMS model. The model was also used to update project trip distribution. The previous analysis was prepared using the previously approved gravity model distribution.
- o Level of Service Standards: Both analyses contain updates of the peak hour, peak direction service volumes utilized in the evaluation of the roadway segments' level-of-service. Both analyses use the latest generalized service volumes currently used by FDOT, as contained in the 1995 document entitled "Florida's Level of Service Standards and Guidelines Manual for Planning".
- o Fletcher and Fowler Avenues Arterial Analysis: The subject analysis provides a detailed arterial analysis of the Fletcher Avenue corridor, between 46th Street and Interstate 75, and Fowler Avenue, between Morris Bridge Road and US 301. The detailed analysis was performed because the default parameters contained in the generalized levels of service tables did not accurately reflect the actual roadway characteristics of the corridor. The analyses were performed using the current FDOT software ARTPLAN, which was updated in 1995.

In order to provide a consistent comparison between the original build out year transportation analysis and the subject analysis, the traffic tables contained in the original study, as updated in the previous NOPC analysis, have been updated and reflect the trip generation rates and the service volumes used in the subject analysis. The original, non-updated tables are included in the Appendix of this memorandum for reference purposes.

I STUDY AREA

Exhibit 1 illustrates the study area and the roadway links under study. The study area is composed of the regionally significant roadway links where project traffic will equal or exceed the analysis threshold of 4.5 percent of the applicable level-of-service standard (service volume) for each studied roadway. The previous analysis also used the 4.5 percent level of service standard for defining the study area. Exhibit 2 provides a graphical comparison of the study area for both the previous analysis and the subject analysis.

Planned/Programmed Improvements in the Study Area

A review of current FDOT, City of Tampa and Hillsborough County Transportation Improvement Programs indicates that no improvements are currently scheduled for construction for any roadway segment in the study area. However, it should be noted that since the completion of the previous study, two roadway widening projects were completed: the six-laning of Fowler Avenue from 46th Street to the Hillsborough River and the four-laning of Fletcher Avenue from 46th Street to the Hillsborough River.

II EXISTING CONDITIONS

Table 1 provides a summary of existing conditions in the study area. The traffic volumes are based on recent traffic counts obtained from FDOT and/or Hillsborough County, supplemented with traffic counts performed by Greiner, Inc, where applicable. The service volumes shown in Table 1 are based on the 1995 FDOT document entitled "Florida's Level of Service Standards and Guidelines

Manual for Planning". As seen in Table 1, all the roadway segments in the study area are operating at acceptable levels of service.

III TRIP GENERATION

Table 2 illustrates the gross (unadjusted) p.m. peak hour trip generation estimates for the proposed development. The trip generation rates are based on the Fifth Edition of the Institute of Transportation Engineers' *Trip Generation*, published in 1991. Table 3 provides the net p.m. peak hour trip generation estimates, obtained after applying the internal capture and private transit percentages approved in the previous analysis. The approved rates are as follows:

- * Ancillary Retail to Office and Service Center: 50% of Ancillary Retail trips.
- * Hotel to Office and Service Center: 40% of Hotel trips.
- * Transit split: 25% of external Hotel trips.

According to Table 3, a total of 762 net external p.m. peak hour trips (136 inbound and 626 outbound) were estimated to be present at build out. These project traffic volumes were used in the updating of the previous analysis and were used in the subject analysis .

IV YEAR 2005 TRAFFIC FORECASTS

Future background traffic volumes for the year 2005 were calculated using the FSUTMS model obtained from the Hillsborough County Metropolitan Planning Organization (MPO). Future year background traffic volumes for 2005 are based on a linear interpolation of traffic growth between existing conditions and the projected 2010 data. Prior to this interpolation, the currently adopted 2010 socioeconomic data was adjusted to reflect the most recently approved development levels for several Developments of Regional Impact in the study area. The socioeconomic data files were revised in order to increase the levels of development associated with the following DRI projects in the study area:

# 108	Hidden River
# 116	GTE-326 (Telecom Park)
# 139	Tampa Technology Park
# 147	Hunter's Green
# 160	North Palm Village
# 162	Cross Creek
# 165	Tampa Palms

The project trip distribution was also based on the FSUTMS trace assignment for the traffic analysis zone (TAZ 359), where the project is located. Exhibit 3 illustrates the project approach and departure patterns. Table 4 illustrates the resulting year 2005 background, project and total traffic volumes. The previous analysis utilized the previously approved distribution of project traffic.

V YEAR 2005 ROADWAY CONDITIONS

Table 4 also includes the levels of service calculated for the roadway links in the study area. The subject study now includes the generalized service volumes currently used by FDOT. A detailed arterial analysis, using the FDOT 1995 ARTPLAN software was performed for Fletcher Avenue, between 46th Street and Interstate 75, and for Fowler Avenue, between Morris Bridge Road and US 301.

As seen in these arterial analyses, all of the roadway segments where project traffic equals or exceeds five (5%) percent of the LOS "D" service volumes are expected to operate at acceptable levels of service with the existing traffic lane configurations.

VI ROADWAY IMPROVEMENT SUMMARY

The roadway improvements identified in the previous analysis have been updated as a result of the updated trip generation rates and service flow rates. A comparison of the roadway improvements for the updated previous analysis and the current subject analysis are presented in Table 5. As

seen in this table, the proposed extension of the build out year to 2005 does not create the need for any additional roadway improvements.

VII ANALYSIS OF REQUIRED IMPROVEMENT EXTENSION OF COMPLETION DATE

An analysis was performed to determine whether a twelve (12) month extension of the completion date for the Required Improvement (generally described as the addition of the 5th and 6th lanes to Fletcher Avenue between Morris Bridge Road and Interstate 75) from December 31, 1995 until December 31, 1996 would result in additional impacts. As has been demonstrated in Table 4, link F6 (Fletcher Avenue from Morris Bridge Road to Interstate 75) will operate at level-of-service D (eastbound) or C (westbound) in the year 2005 in the existing 4-lane configuration, based on the results of the ARTPLAN arterial analysis attached to this technical memorandum. Therefore, the twelve (12) month extension (1996 to 1996) of the completion date for the 6-laning of Fletcher Avenue will not result in any regionally significant adverse impacts.

VII CONCLUSION

The subject analysis has demonstrated that (1) the transportation network within the study area operates at an acceptable level-of-service in the existing condition; (2) the transportation network within the study area will continue to operate at an acceptable level-of-service until completion of the Required Improvement at the requested build out date; (3) the transportation network within the study area will continue to operate at an acceptable level-of-service throughout the project build out date following completion of the Required Improvement; and (4) the proposed twelve (12) month extension to construct the Required Improvement will not create additional impacts.

Table 1
EXISTING (1995) PM PEAK HOUR TRAFFIC VOLUMES
State Street NOPC

(1) LINK #	ROADWAY	FROM	TO	# OF LANES & CLASSIF	EXIST. PM PEAK HOUR VOLUMES (2) NB/EB SB/WB	LOS D SERV. VOL. (3)	EXISTING LEVEL OF SERVICE NB/EB SB/WB
F1	Fletcher Avenue	Nebraska Ave	30th St.	4LA	1595 1937	1,890	C F
F2		30th St.	46th St.	4LA	1849 1899	1,890	D F
F3		46th St.	56th St.	4LA	1592 1760	1,890	C C
F4		56th St.	Hillsb. River	4LA	1385 1629	1,890	B C
F5		Hillsb. River	Morris B. Rd.	4LA	1609 1216	1,890	C B
F6		Morris B. Rd.	Interstate 75	4LA	1854 819	1,890	D B
X1	Fowler Avenue	46th St.	56th St.	6LA	2420 2146	2,840	C B
X2		56th St.	Hillsb. River	6LA	1924 1706	2,840	B B
X3		Hillsb. River	Morris B. Rd.	6LA	1802 1598	2,840	B B
X4		Morris B. Rd.	Interstate 75	6LA	1960 1738	2,840	B B
M1	Morris B Road	Fletcher Ave	Site	2LC	27 87	880	B B
M2		Site	Fowler Ave	2LC	27 87	880	B B
I1	Interstate 75	B.B. Downs	Fletcher Ave	4LX	2659 1700	3,350	D B
I2		Fletcher Ave	Fowler Ave	4LX	2878 2355	3,350	D C
I3		Fowler Ave	Interstate 4	6LX	3362 3104	5,030	C C

1. See Exhibit 1 for link location and study area
2. Based on recent traffic counts conducted by FDOT, Hillsborough County and Greiner.
3. Based on latest (1992) FDOT Level of Service Standards.

Table 2
YEAR 2005 GROSS (UNADJUSTED) TRIP GENERATION
State Street NOPC

LAND USE	ITE CODE	SQUARE FOOTAGE	PM PEAK HOUR TRIPS		
			IN	OUT	TOTAL
Office	710	560,000	112	550	662
Service Center	110	90,000	11	77	88
Commercial	820	20,000	117	117	234
Hotel	310	350 rooms	111	94	205
TOTAL			351	838	1,189

1. Trip generation is based on the ITE Trip Generation Manual, Fifth Edition, 1991.

TABLE 3
YEAR 2005 INTERNAL/EXTERNAL/TRANSIT TRIP GENERATION
STATE STREET NOPC

LAND USE	GROSS (UNADJUSTED) PM PEAK HOUR TRIPS		INTERNAL PM PEAK HOUR TRIPS		TRANSIT PM PEAK HOUR TRIPS		GROSS (UNADJUSTED) PM PEAK HOUR TRIPS	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Office	112	550	96	102	0	0	16	448
Service Center	11	77	0	0	0	0	11	77
Commercial	117	117	58	58	0	0	59	59
Hotel	111	94	44	38	17	14	50	42
TOTAL	351	838	198	198	17	14	136	626

1. Gross vehicle trips obtained from Table 2.
 2. 50% of Commercial trips and 40% of Hotel trips internal to the site.
 3. Private transit limited to 25% of external Hotel vehicle trips (i.e., 15% of gross hotel trips).
- No public transit or transportation system management (TSM) measures assumed, consistent with the January 1989 GTE/Collier 64 NOPC.

Table 4
YEAR 2005 PM PEAK HOUR TRAFFIC VOLUMES
State Street NOPC

LINK #	ROADWAY		TO	# OF LANES & CLASSIF	%PROJ TRAFF IN LINK	2005 AADT	YR 2005 BACKG'D PK HR VOLUMES (1)		PEAK HOUR PROJECT TRAFFIC (2)		TOTAL YR 2005 PK HR VOLUMES NB/EB SB/WB		% PROJ. TRAFFIC IN LOG D SERVICE VOLUMES NB/EB SB/WB	LOG D SERV. VOL (3)	YR 2005 PK HR LEVEL OF SERVICE (4)		
	FROM						NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB					
F1	Fletcher Avenue	Nebraska Ave	30th St.	4LA	3.2%	43407	1706	2244	4	21	1710	2265	0.2%	1.1%	1,890	D	F
F2		30th St.	46th St.	4LA	6.9%	48954	1842	2422	13	58	1855	2480	0.7%	3.1%	1,890	D	F
F3		46th St.	56th St.	4LA	13.0%	41266	1622	2133	18	84	1640	2217	1.0%	4.4%	1,890	A	B
F4		56th St.	Hillab. River	4LA	13.7%	44022	1731	2275	19	89	1750	2364	1.0%	4.7%	1,890	A	B
F5		Hillab. River	Morris B. Rd.	4LA	18.3%	42282	2185	1662	26	119	2211	1781	1.4%	6.3%	1,890	B	P
F6		Morris B. Rd.	Interstate 75	4LA	30.8%	37348	1930	1468	200	43	2130	1511	10.6%	2.3%	1,890	D	C
X1	Fowler Avenue	40th St.	56th St.	6LA	8.3%	73863	3818	2904	12	54	3830	2958	0.4%	1.9%	2,840	D	C
X2		56th St.	Hillab. River	6LA	18.2%	63664	3291	2503	26	119	3317	2622	0.9%	4.2%	2,840	D	C
X3		Hillab. River	Morris B. Rd.	6LA	20.5%	62452	3226	2455	29	134	3257	2569	1.0%	4.7%	2,840	C	C
X4		Morris B. Rd.	Interstate 75	6LA	27.6%	67905	3510	2669	181	39	3691	2708	6.4%	1.4%	2,840	A	A
M1	Morris B Road	Fletcher Ave	Site	2LC	50.1%	6192	320	243	326	71	646	314	37.0%	6.1%	880	B	B
M2		Site	Fowler Ave	2LC	49.9%	6206	321	244	71	325	392	569	8.1%	38.9%	880	B	B
I1	Interstate 75	B.B. Downs	Fletcher Ave	4LX	25.7%	69731	3485	2651	161	35	3646	2666	4.8%	1.0%	3,350	F	D
I2		Fletcher Ave	Fowler Ave	4LX	3.7%	91376	4567	3474	5	24	4572	3498	0.1%	0.7%	3,350	F	-
I3		Fowler Ave	Interstate 4	6LX	29.5%	92113	4604	3502	40	185	4644	3667	0.6%	3.7%	5,030	F	F

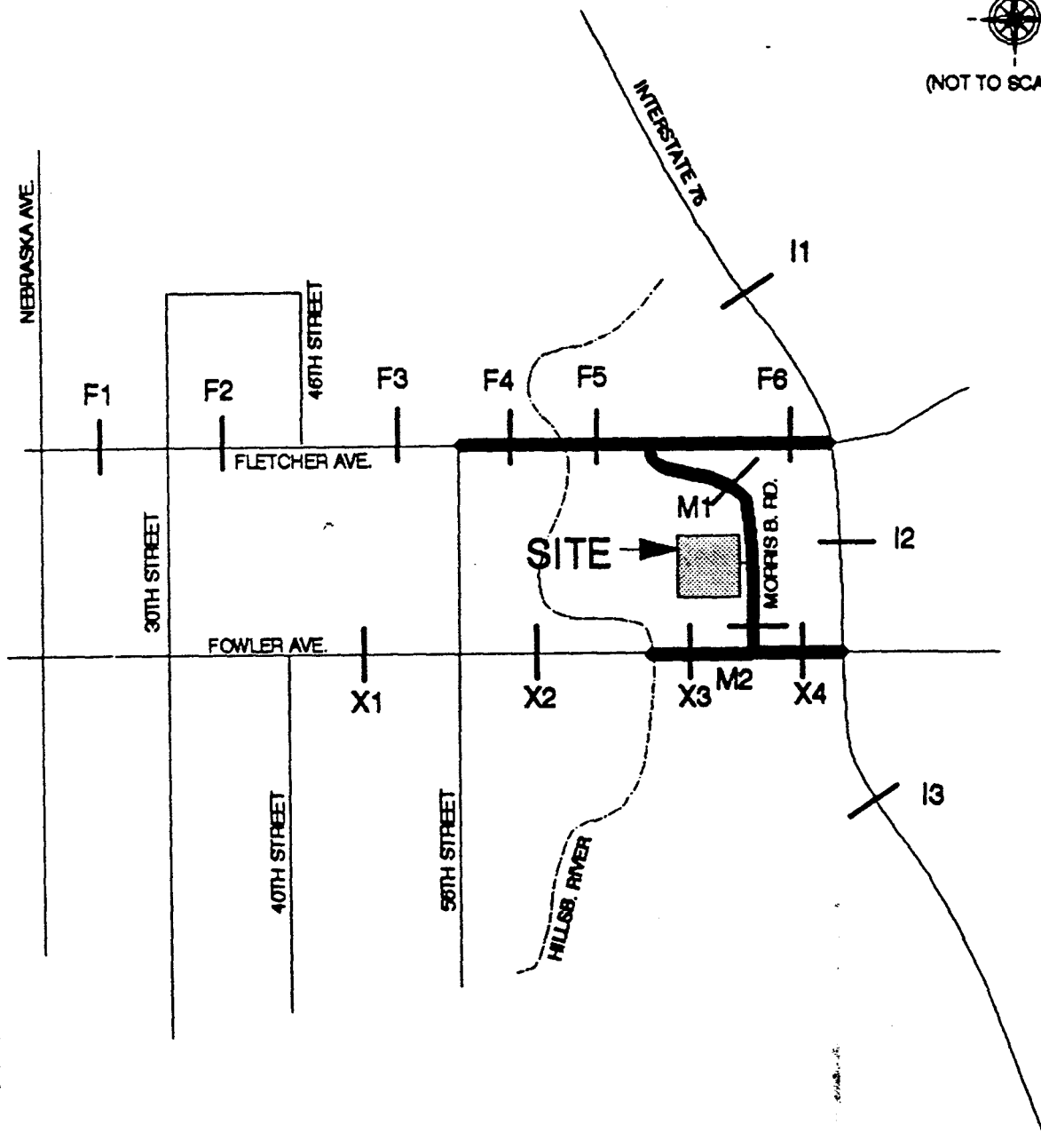
1. Year 2005 projections are based on forecasts from the FSUTMS Hillsborough County Model.
2. See tables 2 and 3 for detailed trip generation calculations. See Exhibit 2 for vehicle trip distribution.
3. The vehicle trip distribution is based on a FSUTMS trace assignment for TAZ 359, where project is located.
4. Based on 1995 Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 5-1, page 5-3.
5. See appended detailed arterial capacity analysis for Fletcher Avenue from 46th St. to I-75 and Fowler Avenue from Morris Bridge Road to east of I-75 (US 301).

Table 5
SUMMARY OF REQUIRED ROADWAY IMPROVEMENTS
State Street NOPC

Link #	ROADWAY	FROM	TO	Previous Analysis - 1995	Updated NOPC Study - 2005
F5	Fletcher Avenue	Hillsb River	Morris B Rd	ADD 1 EB & 1WB LANE	NONE (1,2)
F6		Morris B Rd	Interstate 75	ADD 1 EB & 1WB LANE	NONE (1,2)

NOTES:

1. Fletcher Avenue was widened after the completion of the previous analysis.
2. See appended detailed arterial capacity analysis.

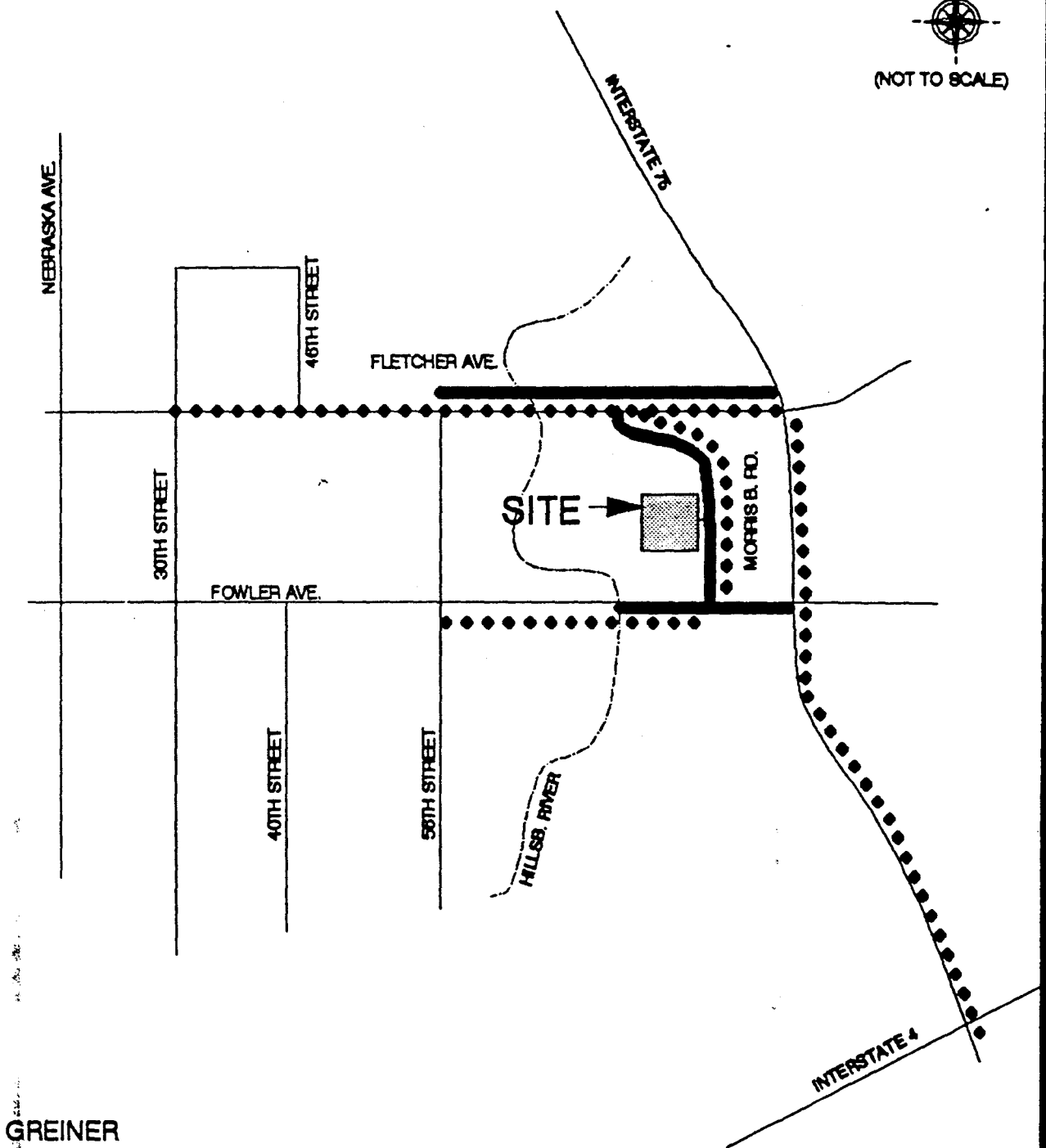


GREINER

LEGEND

- F1 | LINK LOCATION IDENTIFIER
- TRANSPORTATION IMPACT STUDY AREA

STATE STREET NOPC
HILLSBOROUGH COUNTY, FLORIDA
LINK IDENTIFICATION MAP
AND
TRANSPORTATION IMPACT STUDY AREA
EXHIBIT 1



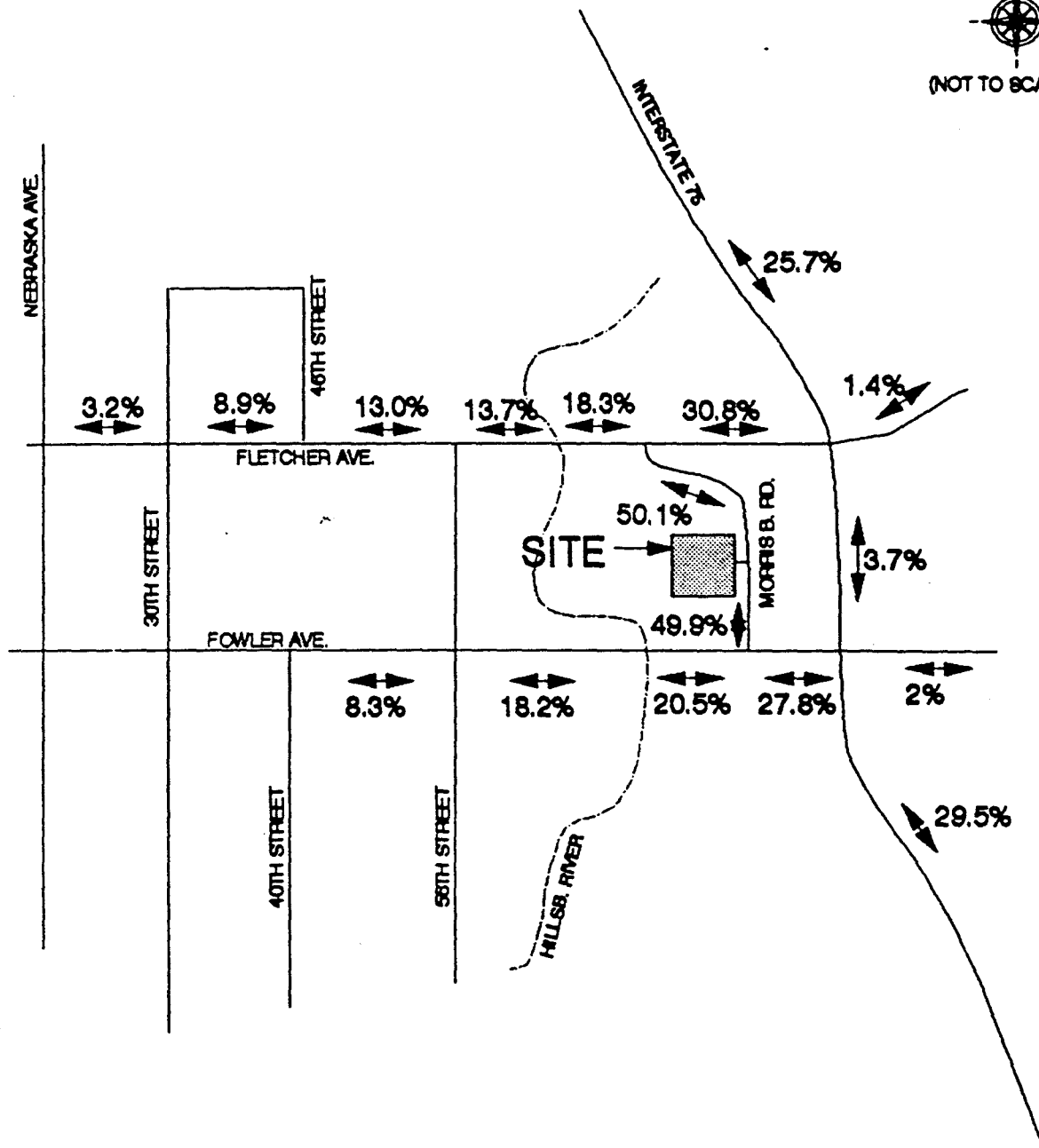
LEGEND

- • • STUDY AREA - Previous Analysis
- STUDY AREA - Subject Analysis

STATE STREET NOPC
HILLSBOROUGH COUNTY, FLORIDA
TRANSPORTATION IMPACT
STUDY AREA COMPARISON

EXHIBIT 2

34



GREINER

LEGEND

←→ Percentage of Project Traffic
18.2%

STATE STREET NOPC
HILLSBOROUGH COUNTY, FLORIDA
PROJECT TRAFFIC DIRECTIONS
OF APPROACH AND DEPARTURE

EXHIBIT 3

UPDATED PREVIOUS ANALYSIS

Table 9 (Revised)
REVISED 1992 PM PEAK HOUR TRAFFIC VOLUMES (from previous study)
State Street NOPC

LINK #	ROADWAY FROM TO	# OF LANES & CLASSIF	YR 1992 BACKGD PK HR VOLUMES (1)		PEAK HOUR PROJECT TRAFFIC (2)		TOTAL YR 1992 PK HR VOLUMES		% PROJ. TRAFFIC IN LOS D SERV. VOL. NB/EB SB/WB		LOS D SERV. VOL. (3)	YR 1992 PM PK HR LEVEL OF SERVICE (4)	
			NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB		NB/EB	SB/WB
F1	Fletcher Avenue Nebraska Ave	4LA	943	1181	12	60	955	1241	0.6%	3.2%	1,890	B	B
F2	30th St.	4LA	1127	1142	21	95	1148	1237	1.1%	5.0%	1,890	B	B
F3	46th St.	4LA	1267	1445	23	105	1290	1550	1.2%	5.6%	1,890	B	C
F4	56th St.	4LA	1277	1096	26	120	1303	1216	1.4%	6.3%	1,890	B	B
F5	Hillab. River	4LA	2401	1143	26	120	2427	1263	1.4%	6.3%	1,890		
F6	Morris B. Rd.	4LA	2744	1163	311	66	3055	1231	16.5%	3.6%	1,890		
	Interstate 75												
X1	Fowler Avenue 40th St.	6LA	2136	2144	14	66	2150	2210	0.5%	2.3%	2,840	B	B
X2	56th St	6LA	2094	1928	21	99	2115	2027	0.7%	3.5%	2,840	B	B
X3	Hillab. River	6LA	1476	1541	21	99	1497	1640	0.7%	3.5%	2,840	B	B
X4	Morris B. Rd.	6LA	1282	1216	102	22	1384	1238	3.6%	0.6%	2,840	B	B
	Interstate 75												
M1	Morris B Road Fletcher Ave	2LC	136	286	432	94	568	380	49.1%	10.7%	880	B	B
M2	Site	2LC	249	334	42	194	291	526	4.6%	22.0%	880	B	B
	Fowler Ave												
I1	Interstate 75 B.B. Downs	4LX	1973	1132	105	23	2078	1155	3.1%	0.7%	3,350	C	B
I2	Fletcher Ave	4LX	2097	2048	41	188	2138	2236	1.2%	5.6%	3,350	C	C
I3	Fowler Ave	6LX	2289	2091	55	254	2344	2345	1.1%	5.0%	5,030	B	B
	Interstate 4												

1. Year 1992 background traffic is obtained from the 1989 NOPC.
2. Project traffic consists of the revised trip generation (see tables 2 and 3) and the 1989 NOPC trip distribution.
3. Based on 1985 Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 5-1, page 5-3.
4. Shaded links are those with deficient LOS and project traffic greater than 5% of LOS "D".

ARTPLAN RESULTS

ART-PLAN 2.0

Arterial Level of Service Estimating Software

Based on Chapter 11 of the 1994 Highway Capacity Manual Update

Florida Department of Transportation

August 1995

DESCRIPTION

Road Name: FLETCHER AVE
From: 46TH STREET
To: INTERSTATE 75
Peak Direction: EB
Off-peak Direction: WB
Study Time Period: PM PEAK 2005
Analysis Date: NOVEMBER 22, 1995
User Notes:

TRAFFIC CHARACTERISTICS

AADT: VARIES
K FACTOR: VARIES
D FACTOR: VARIES
PHF: 0.950
ADJ. SATURATION FLOW RATE: 1,900
% TURNS FROM EXCLUSIVE LANES: 12

ROADWAY CHARACTERISTICS

THRU-LANES PEAK DIRECTION: 2
THRU LANES OFF-PEAK DIRECTION: 2
URBAN, TRANSITIONING, OR
RURAL DEVELOPED (U/T/R): U
ARTERIAL CLASS: 1 (1, 2, or 3)
FREE FLOW SPEED (mph): 45 (45, 40, or 35)
For Arterial Type and Class: Use Fre G
Rural 55, 50, 45, 40 or 35
Transitioning, Class 1 55, 50, 45, 40 or 35
Urban, Class 1 45, 40 or 35
Urban or Transitioning, Class 2 40, 35, 30 or 25
Urban, Class 3 35, 30 or 25

SIGNALIZATION CHARACTERISTICS

ARRIVAL TYPE PEAK DIRECTION: 3
ARRIVAL TYPE OFF-PEAK DIRECTION: 3
TYPE SIGNAL SYSTEM: A P=PRETIMED
S=SEMIACTUATED
A=ACTUATED
SYSTEM CYCLE LENGTH: 120
WEIGHTED THRU MOVEMENT g/C: VARIES

EB	PEAK DIRECTION'S SF				FIC INPUTS		DISTANCE		
	LINK AADT (1 if unava 0 if unuse	PEAK HO VOLUME	% TURNS FROM EXCLUS. LANES	LANES	CYCLE LENGTH SIGNALS 2-20	EFFECTIV g/C SIGNALS 2-20	BETWEEN SIGNALS (Enter in Miles or F	LINK LENGTH (FT)	
LINK									
1-2	0	1,640	12	2	120	0.55	5280.00	5,280	
2-3	0	1,750	12	2	120	0.55	7920.00	7,920	
3-4	0	2,211	12	2	120	0.60	3150.00	3,150	
4-5	0	2,130	12	2	120	0.60	1500.00	1,500	
5-6	0	0							
6-7	0	0							
7-8	0	0							
8-9	0	0							
9-10	0	0							
10-11	0	0							
11-12	0	0							
12-13	0	0							
13-14	0	0							
14-15	0	0							
15-16	0	0							
16-17	0	0							
17-18	0	0							
18-19	0	0							
19-20	0	0							

EB	PEAK DIRECTION RESULTS						
	NOTES	THROUGH		INTERSECTION			ARTERIAL
	or	MOVEMENT		STOPPED	APPROAC	SPEED	LINK
LINK	FROM/TO	FLOW RA	v/c RATIO	DELAY	LOS	(MPH)	LOS
1-2		1519	0.73	14.0	B	36.7	A
2-3		1621	0.78	15.0	C	38.7	A
3-4		2048	0.90	17.3	C	29.0	B
4-5		1973	0.87	15.6	C	20.9	D
5-6		0					
6-7		0					
7-8		0					
8-9		0					
9-10		0					
10-11		0					
11-12		0					
12-13		0					
13-14		0					
14-15		0					
15-16		0					
16-17		0					
17-18		0					
18-19		0					
19-20		0					
EB	Arterial Speed =		33.7 mph				
	LOS =		B				

46th - 56th
56th - Tel Pkwy
Tel Pkwy - Morris B
Morris B. - I-75

WB LINK	OFF-PEAK DIRECT.		S SPECIFIC INPUTS				
	PEAK HO VOLUME	% TURNS FROM	LANES	CYCLE LENGTH	EFFECTIVE g/C	LENGTH (FT)	ARRIVAL TYPE
		EXCLUS.		SIGNALS	SIGNALS		
		LANES		19-1	19-1		
20-19	0						
19-18	0						
18-17	0						
17-16	0						
16-15	0						
15-14	0						
14-13	0						
13-12	0						
12-11	0						
11-10	0						
10-9	0						
9-8	0						
8-7	0						
7-6	0						3
6-5	0						3
5-4	1,511	12	2	120	0.55	1,500	3
4-3	1,781	12	2	120	0.55	3,150	3
3-2	2,364	12	2	120	0.55	7,920	3
2-1	2,217	12	2	120	0.55	5,280	3

WB LINK	OFF-PEAK DIRECTION RESULTS						
	THROUGH		INTERSECTION			ARTERIAL	
	MOVEMENT		STOPPED	APPROAC	SPEED	LINK	
	FLOW	RA	DELAY	LOS	(MPH)	LOS	
20-19	0						
19-18	0						
18-17	0						
17-16	0						
16-15	0						
15-14	0						
14-13	0						
13-12	0						
12-11	0						
11-10	0						
10-9	0						
9-8	0						
8-7	0						
7-6	0						
6-5	0						
5-4	1,400	0.67	13.0	B	22.5	C	
4-3	1,650	0.79	15.4	C	30.0	B	
3-2	2,190	1.05	45.8	E	30.1	B	
2-1	2,054	0.98	28.9	D	30.6	B	
WB	Arterial Speed =		29.4 mph				
	LOS =		B				

I-75 - M. Bridge
 Morris B - Tel Pkwy
 Tel Pkwy - 56th
 46th - 56th

41

ART-PLAN 2.0

Arterial Level of Service Estimating Software

Based on Chapter 11 of the 1994 Highway Capacity Manual Update

Florida Department of Transportation

August 1995

DESCRIPTION

Road Name: FOWLER AVE.

From: MORRIS BRIDGE ROAD

To: US 301

Peak Direction: EB

Off-peak Direction: WB

Study Time Period: PM PEAK 2005

Analysis Date: NOVEMBER 22, 1995

User Notes:

TRAFFIC CHARACTERISTICS

AADT: N/A

K FACTOR: N/A

D FACTOR: N/A

PHF: 0.950

ADJ. SATURATION FLOW RATE: 1,900

% TURNS FROM EXCLUSIVE LANES: 12

ROADWAY CHARACTERISTICS

THRU-LANES PEAK DIRECTION: 3

THRU LANES OFF-PEAK DIRECTION: 3

URBAN, TRANSITIONING, OR

RURAL DEVELOPED (U/T/R): T

ARTERIAL CLASS: 1 (1, 2, or 3)

FREE FLOW SPEED (mph): 50 (55,50,45,40,35)

For Arterial Type and Class: Use Free flow speed of:

Rural 55, 50, 45, 40 or 35

Transitioning, Class 1 55, 50, 45, 40 or 35

Urban, Class 1 45, 40 or 35

Urban or Transitioning, Class 2 40, 35, 30 or 25

Urban, Class 3 35, 30 or 25

SIGNALIZATION CHARACTERISTICS

APPROVAL TYPE PEAK DIRECTION: 3

APPROVAL TYPE OFF-PEAK DIRECTION: 3

TYPE SIGNAL SYSTEM: A P=PRETIMED
S=SEMIACTUATED
A=ACTUATED

SYSTEM CYCLE LENGTH: 120

WEIGHTED THRU MOVEMENT g/C: VARIES

42

EB	PEAK DIRECTION'S			CIFIC INPUTS		DISTANCE		
	LINK		% TURNS		CYCLE	EFFECTIV	BETWEEN	
	AADT	FROM	EXCLUS.		LENGTH	g/C	SIGNALS	LINK
LINK	(1 if unava	PEAK HO	LANES	LANES	SIGNALS	SIGNALS	(Enter in	LENGTH
	(0 if unuse	VOLUME			2-20	2-20	Miles or F	(FT)
1-2	0	3,691	12	3	120	0.60	1.80	9,504
2-3	0	0						
3-4	0	0						
4-5	0	0						
5-6	0	0						
6-7	0	0						
7-8	0	0						
8-9	0	0						
9-10	0	0						
10-11	0	0						
11-12	0	0						
12-13	0	0						
13-14	0	0						
14-15	0	0						
15-16	0	0						
16-17	0	0						
17-18	0	0						
18-19	0	0						
19-20	0	0						

MBRd - US301

EB	PEAK DIRECTION RESULTS						
	NOTES	THROUGH		INTERSECTION		ARTERIAL	
	or	MOVEMENT		STOPPED APPROAC	SPEED	LINK	
LINK	FROM/TO	FLOW RA	v/c RATIO	DELAY	LOS	(MPH)	LOS
1-2		3419	1.00	27.3	D	39.3	A
2-3		0					
3-4		0					
4-5		0					
5-6		0					
6-7		0					
7-8		0					
8-9		0					
9-10		0					
10-11		0					
11-12		0					
12-13		0					
13-14		0					
14-15		0					
15-16		0					
16-17		0					
17-18		0					
18-19		0					
19-20		0					
EB	Arterial Speed =		39.3 mph				
	LOS =		A				

MBRd - US301

83

LINK	OFF-PEAK DIRECTION		SPECIFIC INPUTS				
	PEAK HO VOLUME	% TURNS FROM EXCLUS. LANES	LANES	CYCLE LENGTH SIGNALS 19-1	EFFECTIVE g/C SIGNALS 19-1	LENGTH (FT)	ARRIVAL TYPE
20-19	0						
19-18	0						
18-17	0						
17-16	0						
16-15	0						
15-14	0						
14-13	0						
13-12	0						
12-11	0						
11-10	0						
10-9	0						
9-8	0						
8-7	0						
7-6	0						3
6-5	0						3
5-4	0						3
4-3	0						3
3-2	0						3
2-1	2,708	12	3	120	0.60	9,504	3

MBRd - US301

LINK	OFF-PEAK DIRECTION RESULTS						
	THROUGH		INTERSECTION			ARTERIAL	
	MOVEMENT		STOPPED APPROAC			LINK	
	FLOW	RA	DELAY	LOS	SPEED	LOS	LOS
20-19	0						
19-18	0						
18-17	0						
17-16	0						
16-15	0						
15-14	0						
14-13	0						
13-12	0						
12-11	0						
11-10	0						
10-9	0						
9-8	0						
8-7	0						
7-6	0						
6-5	0						
5-4	0						
4-3	0						
3-2	0						
2-1	2,508	0.73	11.7	B	44.8	A	
Arterial Speed =							
LOS =							A

MBRd - US301

APPENDIX B

TECHNICAL MEMORANDUM

**STATE STREET FLORIDA LAND USE
EQUIVALENCY MATRIX**

PREPARED FOR:

STATE STREET FLORIDA, INC.

PREPARED BY:

GREINER, INC.

DECEMBER 1995

APPENDIX B

EQUIVALENCY MATRIX State Street Florida NOPC

A land use equivalency matrix was prepared in order to allow for the exchange of one approved land use to another, while keeping unchanged the impacts of the development. The equivalency matrix is presented in Table 1B and is based on net external p.m. peak hour peak direction external project traffic (as typically required by the Tampa Bay Regional Planning Council) for the State Street Florida DRI (#114) as shown on Table 2B. The minimum/maximum ranges of development identified in Table 1B were developed based on non-exceedance of the most restrictive public facility demand factor (i.e., transportation, water, wastewater, solid waste, and affordable housing), as identified in Table 3B. Thus, the equivalency matrix provides the opportunity to exchange development totals between previously approved land uses in a manner which ensures that additional adverse impacts will not result from such an exchange.

The Project Traffic by Land Use provided in Table 2B was developed to update external vehicle project traffic by land use, since previous calculations of project traffic were based on now outdated editions of the *ITE Trip Generation Manual*. Additional information relating to Table 2B is provided in the Appendices. Please see the Trip Generation section of Appendix A of this NOPC for additional information regarding this table.

The Utility/Employment Equivalency Comparison provided in Table 3B was developed to determine if the current water demands, wastewater production, solid waste disposal, or current affordable housing-related employment would serve as a "limiting factor" to the transportation equivalency matrix exhibited in Table 1B.

It was initially found that one or more of these limiting factors existed for several of the exchanges provided for in the matrix. In all cases where a limiting factor other than transportation was identified, the limiting factor was found to vary by specific exchange and involved either water, wastewater, solid waste, or affordable housing. In all cases where limiting factors were identified,

the most conservative limiting factor was used in developing the minimum/maximum ranges presented in Table 1B. As a result, the minimum/maximum ranges ensure that no additional impacts occur.

The affordable housing comparison presented in Table 4B is based on the information provided in Table 20.2 and Table 20.3 of the original ADA (copies appended). Table 4B presents a breakdown of employment by land use type and income group. Footnote 2 of Table 4B shows that a significant amount of the employees at the State Street Florida DRI potentially fall in to the very low and low income categories in Hillsborough County and, thus, qualify for consideration in affordable housing calculations under the criteria of the Department of Community Affairs. Table 3B identifies those land use exchanges which are controlled by the affordable housing "limiting factor" and establishes maximum development total, by land use, to ensure that the affordable housing demands resulting from the exchange of land uses will be the same or less than that currently approved.

Based upon the foregoing analysis and the limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed exchanges.

TABLE 1B

EQUIVALENCY MATRIX¹
State Street Florida DRI

Change From: Change To:	Office	Service	Hotel	Accessory Retail
Office	N/A	1,070 s.f./ksf (1.070) ³	150 s.f./Room (0.1500) ³	3.688 s.f./ksf ² (3.6875) ³
Service	935 s.f./ksf (0.9346) ³	N/A	140 s.f./Room (0.1402) ³	3.446 s.f./ksf ² (3.4463) ³
Hotel	6.667 Rooms/ksf (6.6667) ³	7.133 Rooms/ksf (7.1333) ³	N/A	24.58 Rooms/ksf (24.5833) ³
Accessory Retail	271 s.f./ksf ² (0.2712) ³	290 s.f./ksf (0.2902) ³	41 s.f./Room (0.0406) ³	N/A

¹ Land use exchanges are based on net external p.m. peak hour peak direction project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Equivalency Factor Formula = $\frac{\text{Approved Yet Unbuilt Land Use External Peak Direction Trip Rate (Table 2B)}}{\text{Proposed Land Use External Peak Direction Trip Rate (Table 2B)}}$

Example: Office to Service Equivalency Factors = $\frac{0.8000/\text{ksf}}{0.8556/\text{ksf}} = 0.9350 \text{ ksf/ksf}$

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum⁴</u>
Office	100,000 s.f.	715,000 s.f.
Service	20,000 s.f.	539,000 s.f.
Hotel	0 Rooms	350 Rooms
Specialty Retail	5,000 s.f.	50,000 s.f.

² Example exchanges:

Add 50,000 s.f. Office by reducing Specialty Retail
 $50 \text{ ksf} \div 3.6875 = 13.559$; reduce Accessory Retail by 13,559 s.f.
 Add 25,000 s.f. Accessory Retail by reducing Office
 $25 \text{ ksf} \div 0.2712 = 92.183$; reduce Office by 92,183 s.f.

³ Actual equivalency factor for use in calculations.

⁴ Equivalency Matrix maximums referenced in Footnote #1 are less than the maximums actually achievable utilizing this matrix. However, exchanges using this matrix shall be limited to the maximums identified in Footnote #1.

REVISED TRIP GENERATION

State Street Florida DRI

TABLE 3B

REVISED UTILITY/EMPLOYMENT EQUIVALENCY COMPARISON

State Street Florida DRI

Land Use	Office Equivalent			Service Equivalent			Hotel Equivalent			Accessory Retail Equivalent			Maximum Allowable Additional Development
	Base Size	Size	Comment	Size	Comment	Size	Size	Comment	Size	Comment	Size	Comment	
Office	1000 Sq. Ft.	N/A	N/A	928 Sq. Ft.	< Office	637 Rooms	371 Sq. Ft.	< Office	371 Sq. Ft.	< Office	371 Sq. Ft.	< Office	• Service exceeds Office based on wastewater and affordable housing. Affordable housing exceeds controls limit Service to 341.39 baf. • Hotel exceeds Office based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Hotel to 613.33 rooms. • Office exceeds Acc. Retail under all scenarios. Therefore traffic exchange ratio controls.
	Water	140 gpd/baf		130.9 gpd	> Office		37.94 gpd	> Office	37.94 gpd	< Office	37.94 gpd	< Office	
	Wastewater	100 gpd/baf		112.2 gpd	> Office		32.32 gpd	> Office	32.32 gpd	< Office	32.32 gpd	< Office	
	Solid Waste	15 lbs/day/baf		14.6 lbs/day	> Office		10.84 lbs/day	> Office	10.84 lbs/day	< Office	10.84 lbs/day	< Office	
Service	Affordable Housing	2.82 emp/baf		3.329 emp	> Office		1.152 emp	> Office	1.152 emp	< Office	1.152 emp	< Office	• Office exceeds Service based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Hotel to 100.00 rooms. • Service exceeds Acc. Retail under all scenarios. Therefore traffic exchange ratio controls.
	Water	1000 Sq. Ft.	1878 Sq. Ft.	N/A	N/A	7.13 Rooms	390 Sq. Ft.	< Service	40.6 gpd	< Service	40.6 gpd	< Service	
	Wastewater	140 gpd/baf	149.8 gpd				34.8 gpd	> Service	34.8 gpd	< Service	34.8 gpd	< Service	
	Solid Waste	120 gpd/baf	107.0 gpd				11.6 lbs/day	> Service	11.6 lbs/day	< Service	11.6 lbs/day	< Service	
Hotel	Affordable Housing	3.56 emp/baf	3.017 emp			6.06 emp	1.233 emp	> Service	1.233 emp	< Service	1.233 emp	< Service	• Hotel exceeds Service based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Hotel to 100.00 rooms. • Service exceeds Acc. Retail under all scenarios. Therefore traffic exchange ratio controls.
	Water	1 Room	150 Sq. Ft.				41 Sq. Ft.	< Hotel	3.7 gpd	< Hotel	3.7 gpd	< Hotel	
	Wastewater	75 gpd/baf	21.0 gpd	< Hotel	< Hotel		4.9 gpd	< Hotel	4.9 gpd	< Hotel	4.9 gpd	< Hotel	
	Solid Waste	3 lbs/day/baf	2.3 lbs/day	< Hotel	< Hotel		1.6 lbs/day	< Hotel	1.6 lbs/day	< Hotel	1.6 lbs/day	< Hotel	
Accessory Retail	Affordable Housing	0.85 emp/baf	0.423 emp				0.174 emp	< Hotel	0.174 emp	< Hotel	0.174 emp	< Hotel	• Hotel exceeds Service under all scenarios. Therefore traffic exchange ratio controls. • Hotel exceeds Acc. Retail under all scenarios. Therefore traffic exchange ratio controls.
	Water	1000 Sq. Ft.	3446 Sq. Ft.			24.88 Rooms	N/A	< Hotel	N/A	N/A	N/A	N/A	
	Wastewater	140 gpd/baf	316.3 gpd	> Acc. Retail	> Acc. Retail			< Hotel					
	Solid Waste	120 gpd/baf	348.8 gpd	> Acc. Retail	> Acc. Retail			< Hotel					
Accessory Retail	Affordable Housing	4.25 emp/baf	55.3 lbs/day	> Acc. Retail	> Acc. Retail	26.90 emp		> Acc. Retail	26.90 emp	> Acc. Retail	26.90 emp	> Acc. Retail	• Service exceeds Acc. Retail based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Office to 15.00 baf. • Service exceeds Acc. Retail based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Service to 15.00 baf. • Hotel exceeds Acc. Retail based on water, wastewater, solid waste and aff. housing. Wastewater exceeds controls limit Hotel to 21.43 rooms.
	Water	1000 Sq. Ft.	3446 Sq. Ft.					> Acc. Retail					
	Wastewater	140 gpd/baf	316.3 gpd	> Acc. Retail	> Acc. Retail			> Acc. Retail					
	Solid Waste	120 gpd/baf	348.8 gpd	> Acc. Retail	> Acc. Retail			> Acc. Retail					

NOTES:

Base size for Land Use obtained from Table 1B, above.

Water rates obtained from Revised Table 23.1 in the Response to Comments (October 1990); See copy attached.

Wastewater rates obtained from Revised Table 21.1 in the Response to Comments (October 1990); See copy attached.

Solid Waste rates obtained from Table 24.1 in the ADA (August 1990); See copy attached.

Affordable Housing employment obtained from Table 4B, below.

Equivalent Land Use size based on use of Equivalency Matrix (Table 1B, above)

Maximum Allowable limits identified above are based on worst-case utility or employment basis, except where traffic is identified as the most restrictive factor.

TABLE 4B

**EMPLOYMENT BY LAND USE AND INCOME GROUP
State Street Florida DRI**

Annual Salary ^{1,2}	Office ^{1,2}	Service	Hotel ^{1,2}	Accessory Retail ^{1,2}	Total ¹
< \$10,000	391	79	74	21	565
≥ \$10,000 to < \$15,000	436	88	82	23	629
≥ \$15,000 to < \$25,000	698	142	132	38	1,010
≥ \$25,000	325	66	62	18	471
Total	1,850	375	350	100	2,675

¹ Based on Tables 20.2 and 20.3 of GTE/Collier - 64 DRI ADA (now known as the State Street Florida DRI), copies appended.

² HUD currently identifies \$36,400 as the 1995 median family income for the metropolitan area containing the State Street Florida DRI, with low income (80%) being \$29,120 and very low income (50%) being \$18,200. Based on these incomes, the following Affordable Housing rates apply:

Office: 2.82 emp/ksf

Service: 3.56 emp/ksf

Hotel: 0.85 emp/room

Specialty Retail: 4.25 emp/ksf

ATTACHMENTS TO APPENDIX B

TECHNICAL MEMORANDUM

**STATE STREET FLORIDA LAND USE
EQUIVALENCY MATRIX**

**DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT APPROVAL**

FOR

GTE/COLLIER - 64

PREPARED FOR

**GTE REALTY CORPORATION
COLLIER ENTERPRISES**

BY

Greiner Engineering Sciences, Inc.

AUGUST 1984

TABLE 20.2 *

PROJECTED FULL-TIME EMPLOYMENT BY INDUSTRY CLASSIFICATION

	<u>PHASE I</u>	<u>PHASE II</u>	<u>PHASE III</u>	<u>TOTAL DEVELOPMENT</u>
42 Motor Freight Transportation and Warehousing	30	10	0	40
48 Communication	300	120	300	720
50 Wholesale Trade - Durable Goods	20	5	0	25
51 Wholesale Trade - Nondurable Goods	20	5	0	25
53 General Merchandise Stores	0	50	0	50
56 Apparel and Accessory Stores	0	20	0	20
58 Eating & Drinking Places	0	30	0	30
59 Miscellaneous Retail	0	60	0	60
62 Security & Commodity Brokers Dealers, Exchanges and Services	50	25	25	100
64 Insurance Agents, Brokers	50	25	25	100
65 Real Estate	50	25	25	100
66 Combinations of Real Estate, Insurance, Loans, Law Offices	25	20	25	70
67 Holding & Other Investment Offices	75	40	25	140
70 Hotels	0	150	0	150
72 Personal Services	40	20	40	100
73 Business Services	75	20	50	145
81 Legal Services	100	40	75	215
86 Membership Organizations	25	20	25	70
89 Miscellaneous Services	230	100	185	515
TOTAL	<u>1,090</u>	<u>785</u>	<u>800</u>	<u>2,675</u>

* Photocopied from the GTE/Collier - 64 DRI/ADA, dated August 1984

54

TABLE 20.3 *
NON-CONSTRUCTION PERMANENT EMPLOYMENT
(1984 Dollars)

	<u>Annual Salary</u>						<u>Total</u>
	<u>Under \$5,000</u>	<u>\$5,000- 6,999</u>	<u>\$7,000- 9,999</u>	<u>\$10,000- 14,999</u>	<u>\$15,000- 25,000</u>	<u>Over \$25,000</u>	
Phase I	20	20	190	260	410	190	1,090
Phase II	15	15	135	180	300	140	785
Phase III	15	15	140	190	300	140	800
TOTAL	50	50	465	630	1,010	470	2,675

* Photocopied from the GTE/Collier - 64 DRI/ADA, dated August 1984

TABLE 24.1 *

SOLID WASTE GENERATION

<u>Project Element</u>	<u>Generation Rate^a</u>	<u>Phase I lb./day</u>	<u>Phase II lb./day</u>	<u>Phase III lb./day</u>	<u>Total Development lb./day</u>
Office Buildings	1.5 lb./100 sq. ft.	3,825	1,575	3,000	8,400
Service Center	1.5 lb/100 sq. ft.	1,050	300	-	1,350
Hotel	3 lb./room	-	1,050	-	1,050
Retail Facilities	4 lb./100 sq. ft.	-	2,800	-	2,800
		4,875	5,725	3,000	13,600

^aSource: Liptak, Bela G. Environmental Engineers' Handbook, Volume III, 1974.

* Photocopied from the GTE/Collier - 64 DRI/ADA, dated August, 1984

**DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT APPROVAL**

RESPONSE TO AGENCY COMMENTS

FOR

GTE/COLLIER - 64

PREPARED FOR

**GTE REALTY CORPORATION
COLLIER ENTERPRISES**

BY

Greiner Engineering Sciences, Inc.

OCTOBER 1984

TABLE 21.1 (Revised) *

WASTEWATER GENERATION
GTE/COLLIER - 64

<u>Project Element</u>	<u>Generation Rate</u>	<u>Phase I (gpd)</u>	<u>Phase II (gpd)</u>	<u>Phase III (gpd)</u>	<u>Total Development (gpd)</u>
Office Building	.10 gpd/sq.ft	25,500	10,500	20,000	56,000
Service Center	.12 gpd/sq. ft	8,400	2,400	-	10,800
Hotel	75 gpd/room	-	26,200	-	26,200
Retail Facilities	.12 gpd/sq.ft.	-	8,400	-	8,400
TOTAL		33,900	47,500	20,000	101,400

Source: Geyer, J. C., Linaweaver, Wolfe. Commercial Water Research Project.
The John Hopkins University, 1966.

Metcalf and Eddy, Inc. Wastewater Engineering. 1972

Rates from above sources are reduced by 25% to reflect use of water conservation methods.

*Photocopied from the GTE/Collier-64 DRI
Response to Agency Comments, dated October, 1984

Revised 9/5/84

TABLE 23.1 (Revised) *

WATER DEMAND
GTE/COLLIER - 64

<u>Project Element</u>	<u>Generation Rate^a</u>	<u>Phase I (gpd)</u>	<u>Phase II (gpd)</u>	<u>Phase III (gpd)</u>	<u>Total Development (gpd)</u>
Office Building	.14 gpd/sq. ft.	35,700	14,700	28,000	78,400
Service Center	.14 gpd/sq. ft.	9,800	2,800	-	12,600
Hotel	98 gpd/room	-	34,300	-	34,300
Retail Facilities	.14 gpd/sq. ft.	-	9,800	-	9,800
TOTAL		45,500	61,600	28,000	135,100

Source: Geyer, J. C., Linaweaver, Wolfe. Commercial Water Research Project
The Johns Hopkins University, 1966.

Metcalf and Eddy, Inc. Wastewater Engineering. 1972.

Rates from above sources are reduced by 25% to reflect use of water conservation methods.

Revised 9/5/84

* Photocopied from the GTE/Collier-64 DRI
Response to Agency Comments, dated October, 1984

MACFARLANE FERGUSON & McMULLEN

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IN REPLY REFER TO:

November 25, 1996

P. O. Box 1531
Tampa, FL 33601

VIA HAND DELIVERY

Mr. Steve Luce
Principal Planner
Hillsborough County Planning &
Growth Management Department
601 E. Kennedy Boulevard, 20th Floor
Tampa, Florida 33602

Re: State Street Florida/DRI #114/Notification of a Proposed Change
to a Previously Approved Development of Regional Impact (DRI)
Subsection 380.06, Florida Statutes/Fifth Supplemental Response

Dear Steve:

Please allow this letter to serve as a fifth supplemental response to comments provided by the Tampa Bay Regional Planning Council by letter dated November 19, 1996, in regard to the pending Notification of Proposed Change for the State Street Florida DRI.

This supplemental response contains a technical memorandum prepared by URS Greiner which addresses each of TBRPC's comments, including a revised updated technical memorandum on the equivalency matrix, revised Table 1B (revised November, 1996) and revised Table 2B (revised November, 1996).

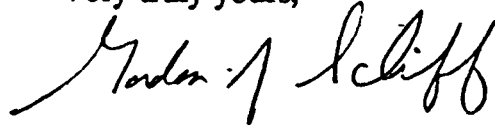
Finally, we have enclosed a revised proposed development order (in "redlined" and "clean" formats).

Copies of this supplemental response are being filed with the Florida Department of Community Affairs, the Florida Department of Transportation, the Tampa Bay Regional Planning Council and Hillsborough County.

November 25, 1996
Page 2

If you have any questions concerning this supplemental response, please call me.

Very truly yours,



Gordon J. Schiff

Enclosures

cc: Mr. J. Thomas Beck (w/encl.), one copy, via federal express
Florida Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399

Ms. Marina Pennington (w/encl.), one copy, via federal express
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Mr. Tim Butts (w/encl.), three copies, via courier
Tampa Bay Regional Planning Council
9455 Koger Boulevard
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November 25, 1996

Page 3

Jeanie E. Hanna, Esquire (w/encl.), one copy, via hand delivery
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Mr. Daniel Santos (w/encl.), one copy, via hand delivery
Hillsborough County Planning and Growth Management Department
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Tampa, FL 33602

Mr. David Winkle (w/encl.), one copy, via hand delivery
Hillsborough County Planning and Growth Management Department
601 E. Kennedy Boulevard, 20th Floor
Tampa, FL 33602

**TECHNICAL MEMORANDUM
IN RESPONSE TO TAMPA BAY REGIONAL PLANNING COUNCIL COMMENTS
State Street Florida NOPC
November 1996**

The following Technical Memorandum is in response to the comments received from TBRPC staff by letter dated November 19, 1996. This response is formatted by providing TBRPC's staff comment followed by a technical response.

TBRPC Comment #1 (Regarding Minimum And Maximum Values For The Equivalency Matrix - Table 1B): Minimum values should be set on the land uses so that the internal capture assumptions are still valid between the applicable land uses. The equivalency matrix assumes 35.8 percent of all trips are internal. If some of the land uses are reduced to zero, as indicated on Table 1B, then the internal trips will significantly decrease. Please revise the minimum values to reflect the internal 35.8 percent capture which is assumed in the analysis.

Applicant Response:

The equivalency matrix was prepared in a manner which restricts each land use to a maximum number of external trips based on the previously approved net external trips for the project. In other words, the project's impacts will not exceed the total external transportation impacts of the previously reviewed and approved development scenario which contains the internal capture assumptions the reviewer has referenced. As the reviewer has correctly noted, "if some of the land uses are reduced to zero, then the internal trips will significantly decrease." However, because of the Applicant's self-imposed limitations (i.e., single land use development scenarios do not have internalized trips), the previously approved net external project traffic volumes will not be exceeded. Therefore, there is no need to establish minimum values for any land use.

TBRPC Comment #2 (Regarding Trip Distribution): Please account for the change in trip distribution when there is a trade-off between the various land uses. For example, the office trip distribution will be different from the retail, which will be different from the hotel, which will be different from the residential. The trip distribution may change significantly from the values assumed in the analysis.

Applicant Response:

Given the location of the site and the configuration of studied roadways within the Transportation Impact Study Area, the distribution of project traffic will not significantly change as a result of the various land uses proposed. Under the analysis performed, the directionality of project traffic will change under certain scenarios; however, the analysis has taken this into account. An analysis was performed for the two "worst case" scenarios, the first consisting primarily of office uses - with the maximum outbound p.m. peak hour project traffic volume, and the second "worst case" scenario consisting of residential land uses - with the maximum inbound p.m. peak hour project traffic

volumes. Of particular concern in both of these analyses were the functioning of the nearest intersections to the project - Morris Bridge Road at Fletcher Avenue and at Fowler Avenue. The analyses indicate that these two most-heavily-impacted intersections will operate at acceptable levels of service under either of the "worst case" scenarios.

Given the results of that analysis, it was determined that the potential changes in directional project traffic would not create any additional regionally significant adverse impacts since project trip generation was being limited to the net external level of the previously approved project. Furthermore, the FDOT and Hillsborough County have concurred with this conclusion based on the above analysis.

TBRPC Comment #3 (Regarding Retail Definitions): The definition of retail shopping is not consistent between Table 1B, Table 1B footnote 2, and Table 2B. In Table 1B retail is noted as either accessory retail or retail shopping with two different equivalency trip rates, respectively. However, in footnote two in table 1B there is a reference to retail with no distinction as to whether it is an accessory or shopping use. Likewise, in Table 2B, the 135,000 square feet of retail (last row) is not clarified as to whether it is accessory or shopping. Please make sure that the retail designation is clarified as to whether it is accessory or shopping.

Applicant Response:

Revised Table 1B (Revised November 1996) and Revised Table 2B (Revised November 1996) have been revised to clarify the intent of the retail land uses. Specifically, the second example shown in footnote 2 of Table 1B and the last line in Table 2B have been revised to reflect the correct depiction of retail as "Retail Shopping". A revised Updated Technical Memorandum has been prepared (revised November 1996) in order to accurately reflect the correct dates of the above-described revised Tables 1B and 2B (both revised November 1996). A copy is appended to this response to comments.

TBRPC Comment #4 (Regarding the East-West Connector Internal Roadway): Under what circumstances would the developer exercise the proposed option of removing the east-west connector internal road? This roadway allows adjacent development to access Morris Bridge Road and then Fowler Avenue, and portions of eastern Fletcher Avenue without having to travel through the intersection of Fletcher Avenue and the frontage road on the west side of I-75. This intersection is under heavy development pressure with the continued expansion of the Hidden River Corporate Park on the north side, and the construction of several hundred multi-family dwelling units on the south side. Please revise the transportation analysis to indicate the impacts of removing this roadway.

Applicant Response:

The original alignment for the proposed east-west connector road was shown on the Master Development Plan for the State Street Florida DRI site at the time when this property and that of the GTE/Collier-326 property (now known as Tampa Telecom Park) were owned by the same party (the GTE Realty/Collier Enterprises joint venture). At that time, the east-west connector road was

proposed to serve as a Phase III additional access way from the GTE/Collier-326 project to Morris Bridge Road. The corridor was never fully approved in that approximately half of the length of the corridor was not owned or controlled by the joint venture. The assumption that the east-west connector road was to provide access from adjacent properties to Morris Bridge Road is in error.

Additionally, there is no outlet from Old Morris Bridge Road (east of I-75) to Fletcher Avenue, therefore traffic cannot access "eastern Fletcher Avenue without having to travel through the intersection of Fletcher Avenue and the frontage road on the west side of I-75." As the reviewer may be aware, State Street Florida, Inc. is funding the construction project currently underway at the Morris Bridge Road/Fletcher Avenue intersection. The improvements were specifically designed (and approved by the Florida Department of Transportation) to accommodate the growth in the area.

Moreover, the Florida Department of Transportation has reviewed the request to potentially eliminate the east-west connector road and has determined, in their most recent correspondence regarding the subject NOPC, that "this would not seem to cause FDOT a problem ..." In addition, Hillsborough County has not objected to the elimination of this roadway segment.

copies: Mr. Steve Luce
Mr. Kent Fast
Ms. Maria Abadal

UPDATED TECHNICAL MEMORANDUM

EQUIVALENCY MATRIX State Street Florida DRI (Revised November 1996)

A land use equivalency matrix was prepared in order to allow for the exchange of approved land uses and additional land uses (Multi-Family Residential and Retail Shopping), while keeping unchanged the impacts of the development. The equivalency matrix presented in Table 1B (revised November 1996) is based on net external p.m. peak hour traffic for the project (as requested by the Tampa Bay Regional Planning Council), as shown in Table 2B (revised November 1996). For the Multi-Family and Retail Shopping land uses, the maximum land use development entitlements were limited to an amount which resulted in no exceedance of the total net external p.m. peak hour traffic previously approved for the project. The minimum/maximum ranges of development identified in revised Table 1B were developed based on non-exceedance of the most restrictive public facility or service demand factor (i.e., transportation, water, wastewater, solid waste, and affordable housing), as identified in Table 3B (revised October 1996), unless the applicable service provider is capable of providing such additional quantities. Thus, the equivalency matrix provides the opportunity to exchange development totals between land uses in a manner which ensures that unaddressed additional adverse impacts will not result from such an exchange.

The Revised Trip Generation data provided in Table 2B (revised November 1996) was developed to update external vehicle project traffic by land use for the two additional land uses addressed within the Notice of Proposed Change to which this Technical Memorandum is attached. As indicated within revised Table 2B, the total net external p.m. peak hour trips for each additional land use does not exceed the total trips for the approved project.

The Utility/Employment Equivalency Comparison provided in revised Table 3B was developed to determine if the current water demands, wastewater generation, solid waste disposal, or affordable housing-related employment would serve as "limiting factors" to the transportation equivalency matrix exhibited in revised Table 1B. The limiting factor rates per base unit were obtained from the DRI/ADA documentation upon which the State Street Florida DRI was originally approved. The Multi-Family land use limiting factor rates were obtained from other DRI projects containing Multi-Family land uses within the general area of the project, while the Retail Shopping factors utilized are the same rates as identified for the Accessory Retail land use contained in the State Street Florida DRI/ADA.

It was initially found that one or more of these limiting factors were identified for several of the exchanges provided for in the matrix. For the purposes of this equivalency matrix, additional adverse impacts for water, wastewater and solid waste are defined as increases beyond those currently approved/available for the project. Table 5B (revised October 1996) presents the approved impact quantities for water, wastewater, solid waste and affordable housing, as well as the additional water, wastewater and solid waste capacities which may be necessary to support the worst case development scenarios. The Applicant has previously executed an agreement with the local utility service provider regarding the availability of water and wastewater volumes in excess of those approved in the DRI/ADA. Those additional volumes are indicated in revised Table 5B as well as new Table 6B. Documentation regarding the availability of these additional volumes is appended. Confirmation regarding the availability of additional water and wastewater, in excess of that documented above, will be provided when available.

In all cases where affordable housing was identified as the limiting factor, the minimum/maximum ranges presented in revised Table 1B were calculated to ensure that no additional affordable housing demands would occur. As a result, the minimum/maximum ranges ensure that no additional adverse impacts will occur based upon the use of this equivalency matrix when an exchange of approved land uses is to be undertaken.

The affordable housing comparison presented in Table 4B (revised October 1996) is based on the information provided in Table 20-2 and Table 20-3 of the original ADA. Revised Table 4B presents a breakdown of employment by land use type and income group. Footnote 2 of revised Table 4B concludes that a significant amount of the project employees potentially fall into the very low and low income categories in the Tampa/St. Petersburg MSA according to available HUD datum and, thus, qualify for consideration in affordable housing calculations under the criteria of the Department of Community Affairs. Revised Table 3B identifies those land use exchanges which are controlled by the affordable housing "limiting factor" and establishes maximum development total, by land use, to ensure there is no increase in affordable housing demands.

Based on the foregoing analysis and limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed exchanges.

TABLE 1B
(Revised November 1996)
EQUIVALENCY MATRIX¹
State Street Florida NOPC

Change From: Change To:	Office	Service	Hotel	Accessory Retail
Office	N/A	1,076 s.f./ksf (1.0767) ³	251 s.f./Room (0.2517) ³	3,712 s.f./ksf ² (3.7124) ³
Service	928 s.f./ksf (0.9288) ³	N/A	233 s.f./Room (0.2338) ³	3,448 s.f./ksf (3.4481) ³
Hotel	3.973 Rooms/ksf (3.9732) ³	4.277 Rooms/ksf (4.2778) ³	N/A	14.75 Rooms/ksf (14.7500) ³
Accessory Retail	269 s.f./ksf ² (0.2694) ³	290 s.f./ksf (0.2900) ³	67 s.f./Room (0.0678) ³	N/A
Multi-Family	2.584 dus/ksf (2.5842) ³	2.782 dus/ksf (2.7823) ³	0.65 dus/Room (0.6504) ³	9.593 dus/ksf (9.5935) ³
Retail Shopping	270 s.f./ksf (0.2702) ³	290 s.f./ksf (0.2909) ³	68 s.f./Room (0.0680) ³	1,003 s.f./ksf (1.0031) ³

¹ Land use exchanges are based on total net external p.m. peak hour project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Equivalency Factor Formula = $\frac{\text{Approved Yet Unbuilt Land Use External Peak Direction Trip Rate (Table 2B)}}{\text{Proposed Land Use External Peak Direction Trip Rate (Table 2B)}}$

Example: Office to Service Equivalency Factors = $\frac{0.7946/\text{ksf}}{0.8556/\text{ksf}} = 0.9288 \text{ ksf/ksf}$

Land Use	Minimum	Maximum ⁴
Office	0 s.f.	760,000 s.f.
Service	0 s.f.	530,000 s.f.
Hotel	0 rooms	1,000 rooms
Retail ^a	0 s.f.	135,000 s.f.
Multi-Family Residential ^b	0 DUs	1,200 DUs

^a Either Accessory or Free-standing.

^b Actual maximum number shall not exceed 20 DUs/gross acre pursuant to the provisions of the Comprehensive Plan. Dwelling units in excess of 768 may not be constructed without a commitment from the applicable wastewater service provider that additional wastewater volumes are available. Dwelling units in excess of 1,155 may not be constructed without a commitment from the applicable water service provider that additional water volumes are available.

² Example exchanges:

Add 50,000 s.f. Office by reducing Accessory Retail: $50 \text{ ksf} \div 3.7124 = 13.468$; Reduce Accessory Retail by 13,468 s.f.
Add 25,000 s.f. Retail Shopping by reducing Office: $25 \text{ ksf} \div 0.2702 = 92.524$; Reduce Office by 92,524 s.f.

³ Actual equivalency factor for use in calculations.

⁴ Equivalency Matrix maximums referenced in Footnote #1 are less than the maximums actually achievable utilizing this matrix. However, exchanges using this matrix shall be limited to the maximums identified in Footnote #1.

TABLE 2B
(Revised November 1996)
REVISED TRIP GENERATION
State Street Florida NOPC

Updated Original Trip Generation ¹									
Land Use	Size	P. M. Peak Hour Trips							
		Gross Trips		Internal/ Transit Trips		Net External Trips			
		In	Out	In	Out	In	Out	In	Trips/Unit
Office	560,000 Sq. Ft.	112	550	98	105	14	445		0.7946/kcsf
Service	90,000 Sq. Ft.	11	77	0	0	11	77		0.8556/kcsf
Hotel	350 Rooms	137	117	67	57	70	60		0.2000/room
Accessory Retail	20,000 Sq. Ft.	117	117	58	58	59	59		2.95/kcsf
Total (Approved Uses)		377	861	223	220	154	641		
Grand Total		1,238		443		795			
Additional Land Uses:									
Multi-Family ²	1,200 Dwelling Units	410	230	41	23	369	207		0.3075/du
Retail Shopping ²	135,000 Sq. Ft.	397	397	0	0	397	397		2.9407/kcsf

¹ Source: ITE Trip Generation Manual, Fifth Edition, 1991

Internalizations: 40 percent of Hotel; 50 percent of Retail Transit: 25 percent of External Hotel (i.e., 15% of Gross Hotel Trips)

Note: These rates are as previously approved in the DRJ/ADA and the previous NOPC.

² The total trip generation for each of the proposed additional land uses does not exceed the total Net External P.M. Peak Hour Trips for the project as shown for the approved land uses.

EXHIBIT "2"
TO THE AMENDED DEVELOPMENT ORDER

Revised Development Schedule
State Street Florida
(1996-2005)

LAND USE*	PARAMETERS*
Office	560,000 square feet GLA**
Service Center	90,000 square feet GLA**
Retail	20,000 square feet GLA**
Hotel	350 rooms

*Subject to the Equivalency Matrix (Exhibit "3" to the adopted Development Order, as amended) which includes Office, Service, Hotel, Accessory Retail, Multi-Family Residential and Retail Shopping as potential land uses and identifies minimum and maximum levels of development for each of such approved land uses which may be implemented through the Equivalency Matrix.

**Gross Leasable Area

TABLE 1B
(Revised November 1996)
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¹ Land use exchanges are based on total net external p.m. peak hour project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

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*Either Accessory or Free-standing.

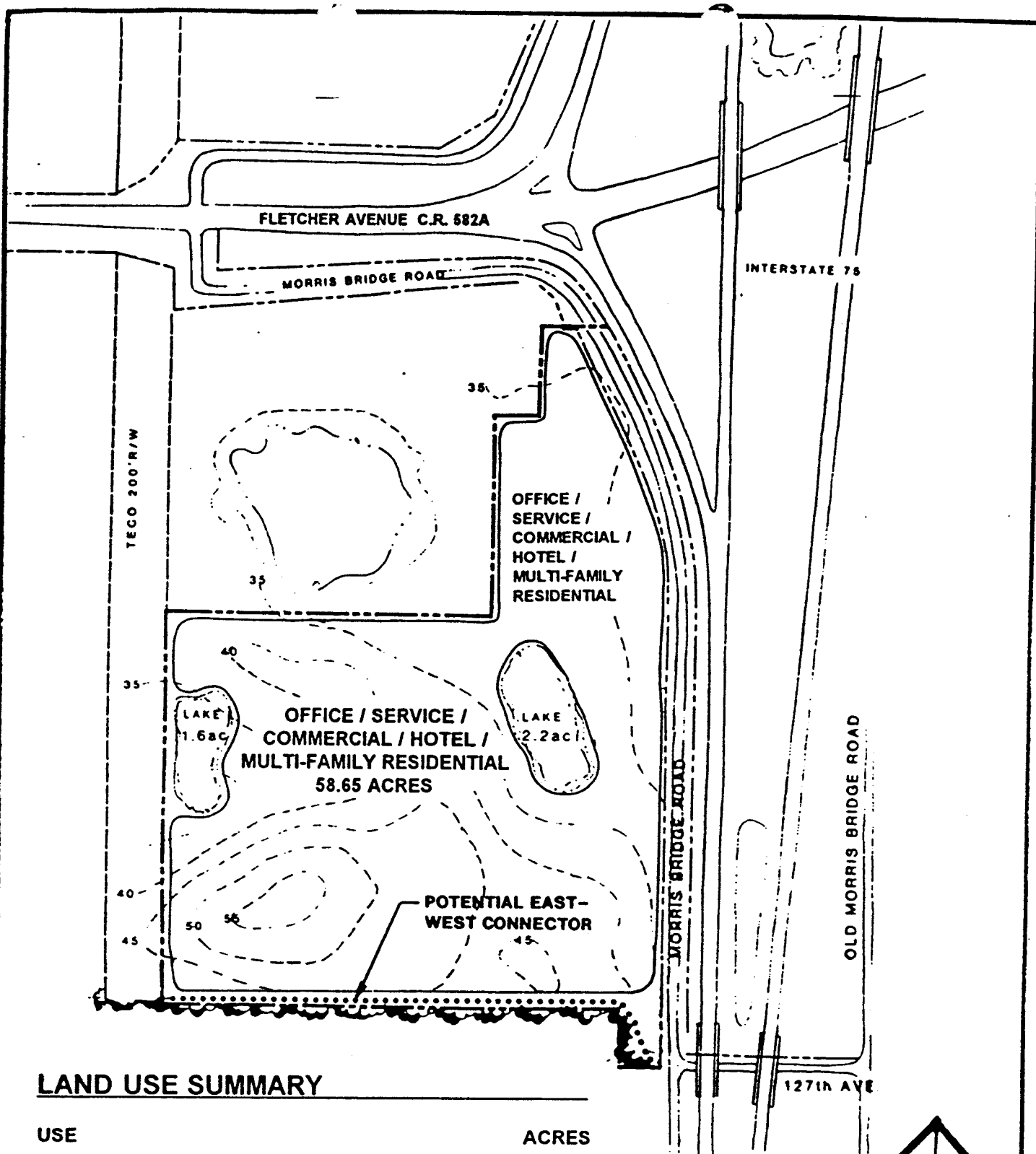
^bActual maximum number shall not exceed 20 DUs/gross acre pursuant to the provisions of the Comprehensive Plan. Dwelling units in excess of 768 may not be constructed without a commitment from the applicable wastewater service provider that additional wastewater volumes are available. Dwelling units in excess of 1,155 may not be constructed without a commitment from the applicable water service provider that additional water volumes are available.

² Example exchanges:

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³ Actual equivalency factor for use in calculations.

⁴ Equivalency Matrix maximums referenced in Footnote #1 are less than the maximums actually achievable utilizing this matrix. However, exchanges using this matrix shall be limited to the maximums identified in Footnote #1.



LAND USE SUMMARY

USE	ACRES
OFFICE / SERVICE / COMMERCIAL / HOTEL / MULTI- FAMILY RESIDENTIAL	58.65
LAKES	3.80
TOTAL SITE AREA	62.45

Approved Land Uses are subject to an Equivalency Matrix contained in the Development Order, as amended.

STATE STREET FLORIDA DRI
Hillsborough County, Florida

DEVELOPMENT PLAN

MAP H (Revised October 1996)

EXHIBIT "4"

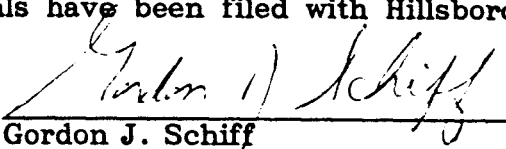
EXHIBIT "5"
TO THE AMENDED DEVELOPMENT ORDER

Developer's Certification

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

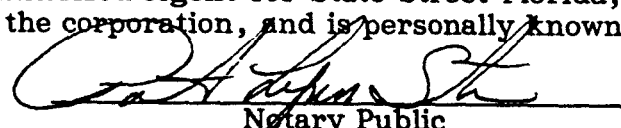
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Gordon J. Schiff, authorized agent for State Street Florida, Inc., the applicant on the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the Waters Avenue Project DRI #196 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. State Street Florida, Inc. filed the Notice of Change on February 5, 1996.
2. State Street Florida, Inc. filed the First Supplemental Response on April 22, 1996, filed the Second Supplemental Response on May 16, 1996, filed the Third Supplemental Response on September 13, 1996, filed the Fourth Supplemental Response on October 17, 1996, and filed the Fifth Supplemental Response on November 25, 1996.
2. The Notice of Change and Supplemental Responses were filed with all persons as required by law.
3. The Application for Development Approval, Sufficiency Response(s), Development Order, First Notice of Change, First Amendment to the Development Order, Second Notice of Change, Second Amendment to the Development Order, Third Notice of Change, Third Amendment to the Development Order, Fourth Notice of Change, Fourth Amendment to the Development Order, Fifth Notice of Change and Fifth Amendment to the Development Order, and all supporting documents, analyses, references and written materials have been filed with Hillsborough County.

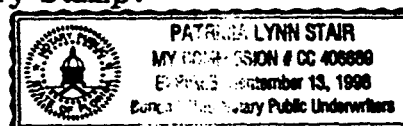

Gordon J. Schiff
Authorized Agent for
State Street Florida, Inc.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 10th day of December, 1996, by Gordon J. Schiff, Authorized Agent for State Street Florida, Inc., a Florida corporation, on behalf of the corporation, and is personally known to me.


Notary Public

Notary Stamp:





STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

December 23, 1996

JAMES F. MURLEY
Secretary

Mr. Kent Fast
DOT, District 7
11201 N. McKinley Drive
Tampa, Florida 33612

Re: State Street; File Number ADA-885-053

Dear Mr. Fast:

Enclosed for your review and for your records is a copy of an amended development order for the State Street development of regional impact. The Board of Commissioners of Hillsborough County issued this order on December 10, 1996. The order was rendered to the Department of Community Affairs (DCA) on December 19, 1996. The DCA's 45-day appeal period will expire on January 31, 1997. We would appreciate receiving your comments no later than January 8, 1997, so that we can consider them in the Department's review of the development order.

If you have any questions about any of the conditions, please call Marina Pennington in the Bureau of Local Planning at (904) 488-4925.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Ray Eubanks".

D. Ray Eubanks
Planning Manager

DRE/dh

Enclosure

cc: Mr. Tim Butts, Tampa Bay RPC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street
Miami, Florida 33159-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33830-4641

74



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

December 23, 1996

JAMES F. MURLEY
Secretary

Mr. Kent Fast
DOT, District 7
11201 N. McKinley Drive
Tampa, Florida 33612

Re: Meadow Pointe; File Number ADA-874-016

Dear Mr. Fast:

Enclosed for your review and for your records is a copy of an amended development order for the Meadow Pointe development of regional impact. The Board of Commissioners of Pasco County issued this order on December 10, 1996. The order was rendered to the Department of Community Affairs (DCA) on December 17, 1996. The DCA's 45-day appeal period will expire on January 31, 1997. We would appreciate receiving your comments no later than January 8, 1997, so that we can consider them in the Department's review of the development order.

If you have any questions about any of the conditions, please call Marina Pennington in the Bureau of Local Planning at (904) 488-4925.

Sincerely,

D. Ray Eubanks
Planning Manager

DRE/dh

Enclosure

cc: Mr. Tim Butts, Tampa Bay RPC

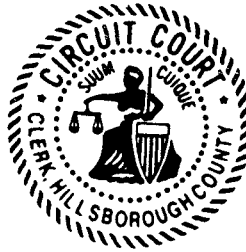
2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

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GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33830-4641

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

November 23, 1992

Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 33702

Re: Resolution No. R92-0273 - Amending the Development Order for State
Street Florida (Formerly Known as GTER/Collier) - DRI #114

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted
by the Hillsborough County Board of County Commissioners on November 10, 1992.

We are providing the copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: *Linda Fryman*
Linda Fryman
Manager, BOCC Records

mailed 11/25/92
received 11/30/92

LF:ADF
Attachment
Certified Mail

cc: Board files (1 orig.)
David M. Mechanic, Esquire - Macfarlane, Ferguson
J. Thomas Beck, Florida Department of Community Affairs
Jeanie E. Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

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. R92-0273 Amending the Development Order for
State Street Florida (DRI #114)

approved by the Board in its _____ regular meeting
of _____ November 10 _____, 1992 _____, as the same
appears of record in MINUTE BOOK _____ 198 _____ of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd _____
day of _____ November _____, 19 92 _____.

RICHARD AKE, CLERK

By: Richard Ake
Deputy Clerk

AMENDED DEVELOPMENT ORDER

Resolution No. R92-0273

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #114 DEVELOPMENT ORDER
STATE STREET FLORIDA
(formerly known as GTER/COLLIER)

Upon motion by Commissioner Busansky, seconded by Commissioner Kimbell, the following Resolution was adopted on this 10th day of November, 1992.
Vote: 6 to 0.

WHEREAS, on April 30, 1985, the Board of County Commissioners approved a Development Order (Resolution No. R85-0072) for the STATE STREET FLORIDA (formerly known as GTE/Collier-64) Development of Regional Impact ("DRI") #114 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 9, 1985, an amendment to the Development Order regarding dedication of right-of-way was approved by Resolution of the Board of County Commissioners, Resolution No. R85-0125, (the "First Amendment") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on May 23, 1989, a second amendment to the Development Order, as amended by the First Amendment, regarding the combination of project phases into a single phase and a transportation update for the Development in accordance with the terms and conditions of the Development Order was approved by Resolution of the Board of County Commissioners, Resolution No. R89-0119, (the "Second Amendment") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, a third amendment to the Development Order, as amended by the First Amendment and the Second Amendment, regarding a two (2) year, eleven (11) month, and fifteen (15) day extension of the date of buildout of the Development was approved by Resolution of the Board of County Commissioners, Resolution No. R90-0027, (the "Third Amendment") pursuant to the provisions of Section 380.06, Florida Statutes, (hereinafter the Development Order, as amended by the First Amendment, Second Amendment and Third Amendment shall collectively be referred to as the "Development Order"); and

WHEREAS, on August 5, 1992, State Street Florida, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, (the "Notification"), for the STATE STREET FLORIDA (formerly known as GTE/Collier-64) DRI; and

WHEREAS, on October 28, 1992, State Street Florida, Inc. filed a Sufficiency Response (hereinafter the Notification together with this Sufficiency Response shall collectively be referred to as the "Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the date of buildout of the Development and a request to extend the construction completion date for the required "pipeline" improvement; (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes") and

WHEREAS, the Proposed Changes shall constitute the Fourth Amendment to the Development Order; and

WHEREAS, the Board of County Commissioners has reviewed and considered the Notice of Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed Fourth Amendment before the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has held a duly noticed public hearing on the proposed Fourth Amendment to the Development Order and has reviewed and considered the Notice of Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following findings of fact are made:
 - A. State Street Florida, Inc., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, the Notice of Change, which is attached hereto as Composite Exhibit "A" and incorporated herein by reference, which requested an extension of the date of buildout for the Development and a request to extend the construction completion date for the required "pipeline" improvement (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes").
 - B. All statutory procedures have been adhered to.

- C. The findings of fact and conclusions of law made in the Development Order, together with the First Amendment, Second Amendment, and Third Amendment, are incorporated herein by reference.
- D. That the Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.
- E. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- F. That the Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
- G. 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.
- H. 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 (1991).

2. 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 to the terms and conditions of the Development Order, First Amendment, Second Amendment, Third Amendment, and the amendments, conditions, restrictions and limitations set forth herein.
- B. The review by the County, 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 the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- D. That based upon analyses which are part of Composite Exhibit "A", the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

- E. That based on the foregoing and pursuant to Section 380.06(19), Florida Statutes (1991), the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

3. The Development Order, together with the First Amendment, Second Amendment, and Third Amendment, is hereby amended to incorporate an extension of the date of buildout for the Development and an extension to the construction completion date for the required "pipeline" improvement, all as more fully set forth in the Notice of Change.

4. Based on the above findings of fact and conclusions of law the STATE STREET FLORIDA Development Order is hereby specifically amended as follows:

A. Section IV.A.1. is amended to substitute the Revised Phasing Schedule set forth on attached Exhibit "B" in lieu of the phasing schedule set forth in the Development Order.

B. Section IV.P.2.c. is amended to read:

c. The Developer shall commence design of the Required Improvement upon the issuance of the first building permit for the development and shall complete same within nine (9) months. Acquisition of necessary permits for the Required Improvement and construction of the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit for the Development, or if no building permit is issued, then by December 31, 1995. The Developer will bear any additional costs in the construction of the Required Improvements caused by the extension approved herein.

5. The Development Order, together with the First Amendment, Second Amendment, and Third Amendment, is hereby reaffirmed in its entirety except as amended by this Resolution.

6. The Developer's Certification, attached hereto as Exhibit "C", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

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

8. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

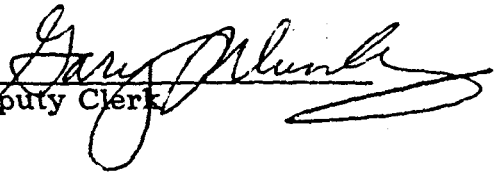
9. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

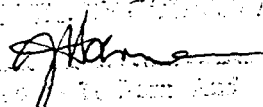
STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

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 a Resolution adopted by the Board at its regular meeting of November 10, 1992, as the same appears of record in Minute Book 198 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of November, 19 92.

RICHARD AKE, CLERK

By: 
Deputy Clerk

ATTEST: 
Clerk of the Board of County Commissioners
Hillsborough County, Florida

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

Section 12, Township 28 South, Range 19 East, in unincorporated 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 in 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 two (2) proposed changes addressed in this Notification of Proposed Change (NOPC) relate to a request to extend the buildout date for the Development and a request to extend the construction commencement date for the required "pipeline" improvement. This NOPC does not propose a change which involves the master site plan map. Specific details of each proposed change are discussed below.

1. This proposed change consists of a request for an extension of the approved build-out date for the development from December 15, 1995 to December 15, 1997. (Note: the 1995 buildout date is discussed in further detail in response to Question 7 of this NOPC, beginning on page I- 4).

This extension request represents a cumulative extension of the original build-out date (1992) by four (4) years, eleven (11) months and fifteen (15) days. The original build-out date (1992) is referenced in Table 12.1, Development Schedule, Application for Development Approval for the GTER/Collier-64 Development of Regional Impact, August 1984.

This change relies upon Subsection 380.06(19)(e)2., Florida Statutes, as amended during the 1992 session of the Florida Legislature, which provides that an extension of the date of buildout of a DRI, or phase thereof, by less than five (5) years is not a substantial deviation.

2. The second proposed change to the Development Order requests an extension of the construction completion date for the Required Improvement as set forth in Development Order Condition IV.P.2.i. by sixty (60) months. All other provisions of Development Order Condition IV.P.2.c. (related to the specific timing of design, permitting and construction of the Required Improvement) would remain unchanged.

The "Required Improvement" consists of the addition of fifth and sixth lanes to the four lane divided Fletcher Avenue, generally from the southbound exit- and entrance-ramps to Interstate 75 westward to the Morris Bridge Road intersection with Fletcher Avenue (approximately 1000 feet).

The Development Order Condition IV.P.2.c., requires that the Developer "commence design of the Required Improvement upon issuance of the first building permit for the development and shall complete same within nine (9) months. Acquisition of necessary permits for the Required Improvement and construction of the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit for the Development, or if no building permit is issued, then by December 31, 1992."

However, as permitting and construction of the Required Improvement were to be completed by December 31, 1992, design work began in mid-1990 in order to ensure sufficient time for all elements of the design, permitting and construction project. Substantial delays in the review and processing of roadway design plans by District 7 of the Florida Department of Transportation (FDOT) have necessitated the need to seek this extension of the completion date for the design, permitting and construction of the Required Improvement. Please refer to Exhibit A of this report for a chronological listing of dates associated with the submittal of information for review by FDOT, and the activities and actions which have followed.

As the Development Order stipulates that "the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit", there is ample protection that the Required Improvement will be completed prior to, or concurrent with, any regionally significant transportation impacts which may result from the development of the project.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

No change in land use types or amounts is proposed therefore, completion of the substantial deviation chart is omitted.

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?

A brief description of the history and current conditions of the project is provided here to assist in the review of this Notice of Proposed Change.

In August of 1984, a joint venture between GTE Realty Corporation and Collier Enterprises (GTER/Collier) filed an Application for Development Approval (ADA) for an approximate 64-acre site in central Hillsborough County, Florida, west of Interstate Highway 75, south of Fletcher Avenue, north of Fowler Avenue, and adjacent to Morris Bridge Road. The State Street Florida (formerly known as the GTER/Collier-64) project is a Development of Regional Impact (DRI) pursuant to the provisions of Section 380.06, Florida Statutes.

Following agency review and comments, and public hearing before the Board of County Commissioners, a Development Order for the State Street Florida (formerly known as GTER/Collier-64) project was approved on April 30, 1985 (Resolution Number R85-0072, "Development Order").

On July 9, 1985, a first amendment to the Development Order regarding right-of-way dedication was approved by the Hillsborough County Board of County Commissioners (Resolution Number R85-0125, "First Amendment").

On May 23, 1989, a second amendment to the Development Order was approved (Resolution Number R89-0119, "Second Amendment") which combined project phases and specified a "Required Improvement" which is to be constructed to mitigate the project's transportation impacts.

On January 23, 1990, a third amendment to the Development Order was approved to extend the date of buildout of development by two years eleven months and fifteen days, or until December 15, 1995 (Resolution Number R90-0027, "Third Amendment").

No on-site construction activity has occurred since the Development Order was approved.

There has been no change in local government jurisdiction for any portion of the development since the Development Order was issued.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI Development Order. Identify such land, its size, intended use and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

No additional lands have been purchased or optioned within 1/4 mile of the original DRI site.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

Not applicable.

Do you believe this Notification of Change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

Yes, the request listed under 5a., above, meets the criteria of subsection 380.06(19)(e)2., F.S.

- 10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

Yes. The proposed change to amend the project's date of buildout by a period less than five (5) years, establishes a date of buildout for the single phase development of December 15, 1997.

- 11. Will the proposed change require an amendment to the local government comprehensive plan?**

No amendment to the Hillsborough County local government comprehensive plan will be required.

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 distinguishing the proposed changes to the previously approved DRI or development order conditions.**

No changes to the master site plan are proposed.

- 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;**

Please see the proposed amended Development Order attached as Exhibit B.

- 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;**

Not applicable.

- c. **A proposed amended Development Order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable.

- d. **A proposed amended Development Order termination date that reasonably reflects the time required to complete the development;**

There is no change to the current Development Order termination date established in Resolution No. R89-0119, that date being May 23, 2001.

- e. **A proposed amended development order date to 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**

Not applicable.

- 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.**

Not applicable.

EXHIBIT A

- July 27, 1990 - Greiner hand-delivered three (3) sets of Roadway Plans (30% Completion level) to FDOT and Hillsborough County for review and comment.
- August 8, 1990 - Greiner receives comment from Jim Hatch with FDOT that the project should be sent to Project Management with a Joint Participation Agreement (JPA) for processing.
- August 14, 1990 - Greiner hand-delivered three (3) sets of 30% Roadway Plans to FDOT Project Management section.
- September 4, 1990 - Greiner receives comments from FDOT Project Management staff, as follows: Contact Planning Department to determine if JPA or Use Permit is appropriate; Project Management is not required to review various phases of design; FDOT had recently revised procedures such that Project Management would coordinate a design review, if requested, but only for plans received directly from the Access Management Group. Plans were returned for resubmittal according to the instructions in the correspondence.
- October 1, 1990 - Greiner submitted three (3) sets of 30% Roadway Plans, as well as a draft Special Use Permit application to FDOT for review and comment.
- October 24, 1990 - Greiner staff met with SWFWMD staff to discuss stormwater requirements for the proposed improvement.
- November 1, 1990 - FDOT transmits correspondence to Greiner containing the following information: a commitment to expedite the review of the proposed plans; a requirement that the project be submitted, not as a JPA or Special Use Permit as previously stated, but rather as an Access Connection Permit (copies of application, requirements, procedures, etc. were provided).
- January 23, 1991 - Phone conversation between Greiner staff and Jim Hatch indicated that process could proceed under JPA; directed to speak with Rick Adair at FDOT regarding JPA procedures. Copy of a sample JPA was picked up at FDOT offices for use in guiding the preparation of a JPA for this project. Copy provided to Attorney for drafting project-specific draft.
- February 6, 1991 - Greiner contracts with Atlanta Testing & Engineering, Inc. to conduct soil boring and water table analyses within the right-of-way of Fletcher Avenue; information required by SWFWMD in support of stormwater management permit.

- May 20, 1991 - Greiner staff receives verbal comment by phone from FDOT Planning Department, that the project could proceed under the Letter of Understanding (LOU) procedure. Commitment to FAX a copy of a recent LOU for our consideration/use in preparing an LOU. It was further reported that the LOU would specify that a JPA would be required prior to construction, and that construction would proceed under a Right-of-Way Use Permit.

- May 23, 1991 - Greiner receives a FAX transmittal of a sample LOU for use in preparation of same for the SSF project.

- July 2, 1991 - Draft LOU for the SSF project provided to FDOT for review and comment.

- August 2, 1991 - Phone conversation between Greiner staff and FDOT Planning Department representative indicating that the SSF project is "second in line"; a new sample LOU will be sent in mail to Greiner today.

- August 9, 1991 - Phone conversation with FDOT Planning Department representative in which it is stated that a sample of a recently executed LOU would be FAXed to Greiner for review and use in preparing same for SSF project.
 - FAX of LOU received by Greiner.

- August 19, 1991 - Greiner staff meet with FDOT Planning Department representative in order to ascertain status of FDOT review and procedures to follow for remainder of process. FDOT representative commits to look into status and project history and to get back with us.

- August 29, 1991 - FDOT representative contacts Greiner staff; conveys following information: FDOT has a "problem" improving an intersection where there is presently no project traffic. Their main concern being what happens when, in the future, development occurs and new impacts result and improvements are required. Who is responsible to mitigate? Two sections at FDOT will be involved in project review - Planning and Operations. Want to discuss internally and then meet with project representatives to give direction.

- September 24, 1991 - FDOT representative requested another copy of the January 1989 Transportation Analysis contained in the Notification of Proposed Change (NOPC) submitted at that time.

- September 25, 1991 - One copy of 1989 NOPC hand-delivered by Greiner staff to FDOT.

- October 22, 1991 - FAX received from FDOT stating that review of project information was underway and that a meeting between FDOT and project representatives would be scheduled shortly.

November 4, 1991 - Meeting held at FDOT offices to discuss proposed project; Attendees included representatives from Greiner, Inc. (for SSF), Hidden River Corporate Park, FDOT Traffic Operations, Planning, and Access Management sections. Brief meeting summary, as it pertains to the SSF project, follows:

60% completion roadway plans for the required improvement were discussed. FDOT staff indicated that the plans were unacceptable because the plans indicated signalization of the intersection of Morris Bridge Road (Frontage Road) and the Hidden River Corporate Park primary entrance with Fletcher Avenue, an unacceptable situation due to the close proximity of the south-bound to west-bound free flow exit ramp of Interstate 75. Representatives of Hidden River pointed out that they had received prior approval for a signal at this location and were presently seeking approval from FDOT for construction/installation of the signal. FDOT representatives requested written verification of the approval. It was agreed that the proof would be provided following a search of project files. [Note: The proof was provided and the signal has now been installed.]

Discussion also was focused upon the geometric configuration of the exit ramp of Interstate 75 and the possibility of modifying same to eliminate the free flow condition and replace it with a stop condition thereby solving two problems: (1) the conflicts in weave patterns caused by the exiting traffic and the Fletcher Avenue through traffic; and (2) the spacing requirement associated with signalized intersections.

Information was provided which indicated that the Florida Department of Commerce had funds available for assisting corporate relocations to Florida which might be available for use in modifying the ramp configuration, as the Solomon Brothers relocation from New York to the Hidden River Corporate Park was facilitated by the availability of such funds to assist in the impacts of the relocation. It was reported that this issue would be further investigated.

State Street Florida representatives pointed out that the timeframes associated with the Required Improvement might not allow for on-going discussions with the Department of Commerce and the Federal Highway Administration on this matter.

It was also pointed out that Hidden River was in the process of seeking approval from Hillsborough County for the widening of Fletcher Avenue to the west of, and adjoining, the State Street Florida Required Improvement. The pending construction of the Hidden River Improvement would create an unsafe condition if the State Street Required Improvement were not constructed, in that the new fifth and sixth lanes on Fletcher Avenue would end abruptly at the location where the State Street Project is supposed to begin.

EXHIBIT "B"

**DEVELOPMENT SCHEDULE
STATE STREET FLORIDA
(1992 - DECEMBER 15, 1997)**

<u>Land Use</u>	<u>Parameters</u>
Office	560,000 square feet GLA*
Service Center	90,000 square feet GLA*
Retail	20,000 square feet GLA*
Hotel	350 rooms

* Gross Leasable Area

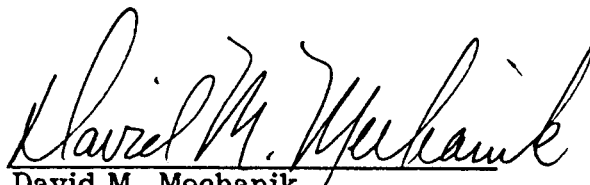
EXHIBIT "C"

DEVELOPER'S CERTIFICATION

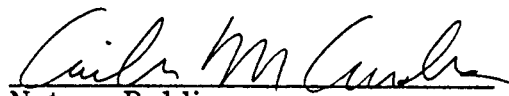
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, as attorney for State Street Florida, Inc., the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the State Street Florida DRI #114 (the "Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. State Street Florida, Inc. filed the Notice of Change on August 5, 1992.
2. State Street Florida, Inc. filed a Sufficiency Response on October 28, 1992.
3. The Notice of Change and Sufficiency Response were filed with all persons as required by law.

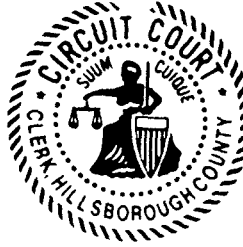

David M. Mechanik
Attorney for State Street
Florida, Inc.

The foregoing document was acknowledged before me this 12th day of November, 1992, by David M. Mechanik, attorney for State Street Florida, Inc., who is personally known to me or who has produced a Florida Drivers License as identification and who did not take an oath.


Notary Public

AILEEN M. ANDERS
Notary Public, State of Florida
My comm. expires Feb. 7, 1993
No. AA645205

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-H
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

January 30, 1990

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

Attn: Suzanne Cooper
DRI Coordinator

Re: Resolution No. R90-0027 Amending DRI #114 Development
Order - GTER/Collier

Dear Ms. Cooper:

Enclosed please find an executed certified copy of the
referenced resolution, adopted by the Hillsborough County
Board of County Commissioners on January 23, 1990.

We are providing this certified copy for your official
files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick / Jr.
Edna L. Fitzpatrick
Director, BOCC Records

ELF:LT

cc: Board files (orig.)
Ed Lehman, State of Florida Department of Community
Affairs
Jeff Miller, Director, Planning & Zoning
Gordon J. Schiff, Attorney for GTER/Collier
John Dixon Wall, Assistant County Attorney

Enclosure

RECEIVED
FEB 2 1990
Tampa Bay Regional
Planning Council

mailed 1/31/90

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. R90-0027 Amending DRI #114 Development
Order - GTER/Collier

_____ adopted by the Board in its regular meeting of
January 23, 1990, as the same appears of
record in MINUTE BOOK 164 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 30th
day of January, 1990.

RICHARD AKE, CLERK

By: Maria Iris Bishop
Deputy Clerk

County Commissioners on finding of excusable delay in any proposed development activity.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

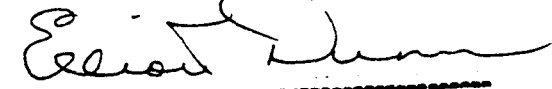
I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of April 30, 1985, as the same appears of record in Minute Book 107 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 1st day of May, 1985.

JAMES F. TAYLOR, JR., CLERK

By: 
Deputy Clerk

APPROVED BY COUNTY ATTORNEY



c. All statutory procedures have been adhered to.

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

2. The Development Order is hereby amended to extend the date of buildout of the Development by a period of two (2) years, eleven (11) months and fifteen (15) days. According, the Development Order is further amended to incorporate the Revised Development Schedule, attached hereto as Exhibit 2, which reflects such extension of date of buildout.

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

4. The Developer's Certification, attached hereto as Exhibit 3, affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

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

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

7. 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 other recipients specified by statute or rules.

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 a Resolution adopted by the Board at its regular meeting of January 23, 1990, as the same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 29th day of January, 1990.

RICHARD AKE, CLERK

APPROVED BY COUNTY ATTORNEY

BY John R. Wall
Approved As To Form And
Legal Sufficiency.

By: Judith M. Nielsen
Deputy Clerk

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

(An Extension of Project Build-out Date by Less Than Three Years)

Subsection 380.06 (19), Florida Statutes (1985), requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning council, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of SSB Realty, Inc., hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06 (19), Florida Statutes (1985). In support thereof, I submit the following information concerning the GTER/Collier-64 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 the Board of County Commissioners of Hillsborough County, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

12/14/89
(Date)

David M. Mechanik
(Signature)

2. **Applicant (name, address, phone).**

SSB Realty, Inc.
225 Franklin Street
Boston, Massachusetts 02110
Phone: (617) 654-3171

GTER/Collier Joint Venture
One Tampa City Center, Suite 2760
Tampa, Florida 33602
Phone: (813) 273-0297
Mr. Richard Driscoll

3. Authorized Agent (name, address, phone).

Mr. Thomas A. Marsicano, Vice President
Greiner, Inc.
Post Office Box 31646
Tampa, Florida 33631-3416
Phone: (813) 286-1711

Mr. David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
Post Office Box 1531
Tampa, Florida 33601
Phone: (813) 229-4945

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Section 12, Township 28 South, Range 19 East, in unincorporated 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 in the representations contained in either the Development Order or the Application for Development Approval (ADA).

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department to clarify the nature of the change or the resulting impacts.

This application does not propose a change which involves the master site plan map. The proposed change consists solely of a request for an extension of the project build-out date by a period of two (2) years, eleven (11) months, and fifteen (15) days.

6. Complete the following table for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

As the presently proposed change relates solely to an extension of the buildout date by a period less than three (3) years, a response to the questions asked in the Substantial Deviation Chart is not applicable to this requested change.

A brief description of the history and current conditions of the project is provided here to assist in the review of this Notice of Proposed Change.

In August of 1984, a joint venture between GTE Realty Corporation and Collier Enterprises filed an Application for Development Approval (ADA) for an approximate 64-acre site in north-central Hillsborough County, Florida, in the southwest quadrant of the interchange between Fletcher Avenue and Interstate 75. The GTER/Collier-64 project was a Development of Regional Impact (DRI) pursuant to the provisions of Section 380.06, Florida Statutes.

Following agency review and comments, and public hearings before both the Zoning Hearing Master and the Board of County Commissioners, a Development Order for the GTER/Collier-64 project was approved on April 30, 1985 (Resolution Number R85-0072). A minor amendment, dealing with the timing of dedication of land for future right-of-way, was approved by the County Commission on July 9, 1985. A second amendment was approved by the County Commission on May 23, 1989. The second amendment consisted of the following changes:

- * Modification of the Development Order to combine project phases;
- * Deletion of the portion of Condition IV.B. of the Development Order which required completion of one phase prior to commencement of the following phase; and
- * Approval of the Phase 2 and Phase 3 updated traffic study required by Condition IV.R. of the Development Order.

No on-site construction activity has occurred since the amended Development Order was approved in July of 1985. SSB Realty, Inc., a Massachusetts corporation, has acquired an option on the 64 acre site and is proposing the establishment of an operations center on the property.

The development is proposed to remain consistent with the land uses and development totals set forth in Revised Table 12.1 of the Notice of Change.

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 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? Please provide a copy of the order adopted by the annexing local government, if not previously provided to the Department.**

The first amendment to the Development Order was approved on July 9, 1985 pursuant to Hillsborough County Resolution number R85-0125. The second amendment was approved on May 23, 1989 pursuant to Hillsborough County Resolution Number R89-0119. (Please see the discussion of these amendments on page I-3 of this Notice of Change.)

There has been no change in local government jurisdiction.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI Development Order. Identify such land, its size, and intended use on a project master site plan or other map.**

No additional lands have been purchased or optioned within 1/4 mile of the original DRI site.

SUBSTANTIAL DEVIATION DETERMINATION

If the proposed change to the previously approved DRI or Development Order condition does not meet or exceed any of the criteria listed in the DRI Development Order or in Subsection 380.06(19)(b), Florida Statutes, then the local government having jurisdiction over the development must hold a public hearing and make a determination as to whether such proposed changes constitute a substantial deviation and will cause the development to be subject to further development-of-regional-impact review. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, the local government must issue an amendment to the Development Order incorporating the approved change and conditions of approval relating to the change, subject to the appeal provisions of Subsection 380.06(19)(f), F.S., and Section 380.07, F.S.

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:

9. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or Development Order conditions.

No changes to the master site plan are proposed.

10. 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;

The Development Order should be modified to reflect an extension of the project buildout date by a period of two (2) years, eleven (11) months and fifteen (15) days. (See attached proposed Resolution for precise language of amendment.)

- 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;

Not applicable.

- c. A proposed amended Development Order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

- d. A proposed amended Development Order termination date that reasonably reflects the time required to complete the development;

Not applicable.

- e. A proposed amended Development Order date to 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

Not applicable.

- 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.

Not applicable.

If the proposed change meets or exceeds substantial deviation criteria listed in the DRI Development Order, or in the criteria listed in Subsection 380.06(19)(b), F.S., then the proposed change is a substantial deviation and shall be subject to further DRI review without the necessity for a determination by the local government.

The proposed change is not a substantial deviation as expressly noted in Subsection 380.06(19)(e)2., Florida Statutes, which addresses extensions of a development of regional impact's date of buildout, or any phase thereof, by less than three (3) years.

Exhibit 2

REVISED DEVELOPMENT SCHEDULE **

(1990 - 1995)

Office	560,000 square feet GLA*
Service Center	90,000 square feet GLA*
Retail	20,000 square feet GLA*
Hotel	350 rooms

*Gross Leasable Area

** The Development Schedule in effect prior to the adoption of this Revised Development Schedule provided that the buildout of the Development would occur in 1992. This Revised Development Schedule shall be construed to extend the previous date of buildout of the Development by a period of two (2) years, eleven (11) months and fifteen (15) days.

Exhibit 3

AFFIDAVIT

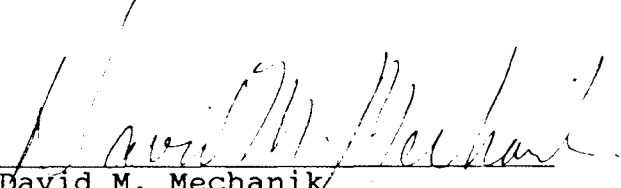
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared David M. Mechanik, as attorney for GTER/Collier Joint Venture and SSB Realty, Inc., the applicants of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the GTER/Collier DRI #114 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

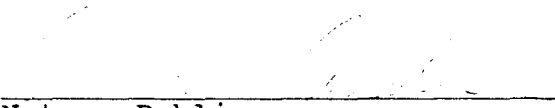
1. GTER/Collier Joint Venture and SSB Realty, Inc. filed the Notice of Change on December 14, 1989.

2. The Notice of Change was filed with all persons as required by law.



David M. Mechanik
Attorney for GTER/Collier
Joint Venture and SSB Realty,
Inc.

Sworn to and subscribed before me this 14th day of January, 1990.



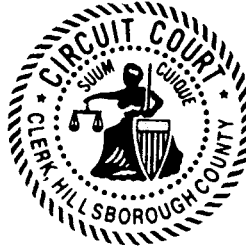
Notary Public

(Notarial Seal)

My Commission Expires:

NOTARY PUBLIC
My Commission Expires February 1992

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-H
P. O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

CERTIFIED MAIL

June 5, 1989

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

Attn: Julia Greene
Executive Director

Re: Resolution No. R89-0119 - DRI #114 - Development Order
Amendment - GTER/Collier

Dear Ms. Greene:

Enclosed please find an executed copy of the referenced resolution, with attachments, adopted by the Hillsborough County Board of County Commissioners on May 23, 1989.

This copy is being provided for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Director, BOCC Records

cc: Board files (orig.)
Florida Dept. of Community Affairs
David M. Mechanik, Esq.
Rick Davis, Esq.
John Wall, Assistant County Attorney
Steve Luce, Community Planner II, Planning & Zoning

Enclosure

ELF/lt

Resolution No. R89-0119

DRI #114 DEVELOPMENT ORDER AMENDMENT
GTER/COLLIER

Upon motion of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted on this ____ day of _____, 1989.

WHEREAS, on April 30, 1985, the Board of County Commissioners approved a Development Order (Resolution No. R85-0072) for the GTE/Collier-64 Development of Regional Impact (DRI) #114 (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 9, 1985, an amendment to the Development Order regarding dedication of right-of-way was approved by Resolution of the Board of County Commissioners (Resolution #R85-0125) (hereinafter the April 30, 1985, Development Order as amended by the July 9, 1985, Resolution shall together be referred to as the "Development Order"); and

WHEREAS, on January 13, 1989, GTER/Collier Joint Venture and SSB Realty, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the GTE/Collier-64 DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes.

WHEREAS, the Notice of Change proposed a modification to authorize a single phase development and included a transportation update for the Development in accordance with the terms and conditions of the Development Order.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. That the following findings of fact are made:

a. The amendments to the Development Order, as reflected on Exhibit 1 attached hereto, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1987).

b. All statutory procedures have been adhered to.

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

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

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

4. That Developer's Certification, Exhibit 2, attached hereto, affirming a copy of the Notice of Change has been delivered to all persons as required by law.

5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1987).

7. 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 other recipients specified by statute or rules.

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 a Resolution adopted by the Board at its regular meeting of May 23, 1989, as the same appears of record in Minute Book 156 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th day of June, 1989.

RICHARD AKE, CLERK

BY: Edna A. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY John P. Wall
As to Form And
Legal Sufficiency.

EXHIBIT "1"

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #114
DEVELOPMENT ORDER

WHEREAS, in August, 1984 GTE Realty Corporation/Collier Enterprises, Inc. filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a mixed-use corporate office park development on approximately sixty-four (64) acres located in northeastern Hillsborough County, hereinafter referred to as GTE/Collier-64 and within the Horizon 2000 Land Use Plan Research Corporate Park (RCP); and

WHEREAS, the Board of County Commissioners as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for development approval for developments of regional impact; and,

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and,

WHEREAS, the Zoning Hearing Master appointed pursuant to Chapter 83-416, Laws of Florida (1983), has reviewed the application for development approval and has filed a recommendation on said application with the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on February 18, 1985 held a duly noticed public hearing on said application for development approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay regional Planning Council; and,

[New language is shown with an overstrike and deleted language is shown with a strike through.]

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. GTE/Collier-64, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and a sufficiency response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "application" shall refer to the application for development approval, and sufficiency response and other exhibits duly submitted and recorded.

B. The real property which is the subject of the application for development approval is legally described as set forth in Composite Exhibit "A", attached hereto and made a part hereof by reference.

C. The proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies and Cities of Tampa and Temple Terrace.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the application as set forth in Composite Exhibit "A", the reports, recommendations and testimony heard and considered by the Board of Commissioners, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. In considering whether the development should be approved subject to conditions, restrictions and limitations, Hillsborough County has considered the criteria stated in subsection 380.06, Florida Statutes.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

D. The application for development approval is approved subject to all terms and conditions of this Development Order.

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Research Corporate Park (RCP).

III. GENERAL PROVISIONS

A. The legal description set forth in Composite Exhibit "A" is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the application and sufficiency response marked "Composite Exhibit "A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the GTE/Collier-64 Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1981), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity, which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at GTE/Collier-64, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council shall result in further review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by

any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes (1981), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposed to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1981).

N. Upon adoption, the Development Order 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 the Developer.

O. Revisions to the development not contemplated or addressed within this Development Order shall be subject to Tampa Bay Regional Planning Council incremental review fee.

IV. CONDITIONS

~~A. Area Studies~~

~~1. A comprehensive study of the Interstate 75 Corridor in Hillsborough County analyzing land use, transportation, public facilities and environment will be prepared by the Hillsborough County City-County Planning Commission in cooperation with the Tampa Bay Regional Planning Council, Florida Department of Transportation, Department of Environmental Regulation, Department of Natural Resources, Hillsborough County, Hillsborough County Metropolitan Planning Organization, Hillsborough County Environmental protection Commission, Hillsborough Area Transit Authority, Cities of Tampa and Temple Terrace, and other appropriate State agencies and developers in the area. The study will propose a revised plan for the Corridor to facilitate it becoming a development of compatible land uses and public facilities in the Southeast; plan for the land use, transportation and public facilities, assure environmental features of the Corridor are protected; involve citizens, interest groups and governmental agencies; and develop an implementation program to make the study workable. The developer acknowledges that notwithstanding anything to the contrary herein, the study shall be commenced and completed prior to the issuance of any Phase II approvals except that the construction of Phases II and III shall not be precluded from commencement for failure of the public facilities section of the study to be completed if the developer can demonstrate sufficient capacity to Hillsborough County and Tampa Bay Regional Planning Council for Phases II and III prior to the issuance of building approvals for Phases II and III. The issuance of a development order approving an area wide development of regional impact which includes the impacts of this Development shall satisfy the requirements of this study. The parameters of the transportation section of the study or area-wide DRI traffic analysis shall include but not be limited to:~~

- ~~a. The regionally significant roadways which shall be included in the focus of the transportation plan, as well as identification of additional roadways to be constructed within the study area.~~
- ~~b. All existing, approved, and projected development to be included within the plan.~~
- ~~c. The manner by which the traffic impact of existing development will be documented and assessed.~~
- ~~d. The manner by which the traffic impact of approved and projected development will be documented and assessed.~~
- ~~e. The procedures by which mass transit will be studied as a viable alternative to alleviate overburdening of the roadways.~~
- ~~f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase of completion for projects approved within the study area.~~
- ~~g. Funding commitments for the improvements identified.~~

~~The environmental section of the study shall include as a minimum the following information:~~

- ~~a. Definition of study area boundaries.~~
- ~~b. Inventory of natural resources and environmental features within the study area, such as surface waters, groundwater resources, and threatened and endangered species, prime and unique agricultural lands, preservation/conservation area.~~
- ~~c. Identification of specific natural resources to be protected from the effects of urbanization.~~
- ~~d. Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization.~~
- ~~e. Identification of opportunities for recreational use.~~
- ~~f. Assessment of the impacts associated with public facility expansion, such as physical plant location and operating procedures.~~
- ~~g. Formulation of a program to promote public and private awareness.~~
- ~~h. Identification of those actions necessary to be taken to implement the results of the study.~~

~~The parameters of the public facilities section of the study shall include for the wastewater treatment plan, the following information:~~

- ~~a. Assessment of the amounts and sources of wastewater expected to be generated within the study area on a yearly basis for a specified time period (five to ten years).~~
- ~~b. Identification of existing and future treatment capacity of regional and/or interim plants expected to provide treatment service.~~
- ~~c. Identification of 201 plan amendments/expansions/new facilities which may be needed to accommodate the anticipated flows.~~
- ~~d. Identification of the fiscal impact of proposed boundary changes of regional facilities.~~
- ~~e. Identification of funding sources or grants which may be available for needed improvements.~~
- ~~f. Identification of discharge points and new or expanded effluent and sludge disposal areas which shall be needed, including impacts on receiving waters or groundwater.~~
- ~~g. Identification of the disposal sites to be acquired and the manner in which these sites will be funded and acquired.~~

BÄ. Phasing Schedule

1. The development of the project in accordance with the proposed phasing schedule contained in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the GTE/Collier-64 DRI ("Notice of Change") a copy of which is attached hereto as Exhibit "B", application is an integral part of the Development Order conditions. Therefore, if the Developer elects to amend the proposed phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere acceleration of development phases if the terms of this Order are otherwise fully complied with, and the acceleration does not result in a substantial deviation. If the County finds that amendments to the terms of this Development

Order are required by amendments to the phasing schedule, then said amendments, to the extent consistent herewith, shall be included as conditions of approval of the changes to the phasing schedule. ~~It is the intent of this provision to insure that all prerequisite for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final certificate of occupancy as determined by building square footage for the phase. No building permits or other approvals shall be issued for a subsequent phase until completion of the proceeding phase.~~ Any significant departure in project buildout date from the phasing schedule set forth in the application shall be declared to be a substantial deviation pursuant to Chapter 380.06, Florida Statutes subject to the provisions of Subsection 380.06(19), Florida Statutes.

eB. Environmental and Natural Resources

1. The Developer shall mitigate on a per acre basis the loss of wet prairie through the creation of additional wetlands. The mitigation plan shall be reviewed and approved by all appropriate agencies including the Hillsborough County Environmental Protection Commission prior to the destruction of existing wetland areas.

2. A representative tract of natural mixed hardwood forest shall be preserved in its natural state to serve as a conservation/recreation area. Such area shall be depicted on an amended site plan and approved by Tampa Bay Regional Planning Council.

3. The on-site tree and wetlands preservation procedures referenced in the application shall be adhered to by the Developer.

4. A tree survey of the area containing mixed hardwood forest shall be conducted by the Developer. The purpose of the tree survey is to assist in designing a detailed site plan that accommodates larger trees (equal to or in excess of twelve inches DBH) and significant clumps of trees.

DC. Stormwater System/Drainage

1. The stormwater system shall be designed and constructed in accordance with the design guidelines of the Southwest Florida Water Management District, Hillsborough County, and the criteria contained on page 113 of the Stormwater and Lake Systems Maintenance and Design Guidelines (Tampa Bay Regional Planning Council, 1978). The design criteria of the system shall include the following elements:

- a. 30 to 50 percent of the surface area of the detention pond at the normal water level (NWL) should consist of a shallow vegetated littoral shelf.
- b. The littoral shelf can be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf can be established on a shallow submerged island in the middle of the pond.
- c. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- d. The littoral shelf, if located along the pond bank, should have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- e. The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerelweed, Juncus, water lilies, cypress, etc., because these species aid in nutrient and heavy metal uptake as well as enhancing the pond by providing blooming flowers and presenting a more natural appearance.
- f. A copy of an operation and maintenance schedule for the detention areas shall be prepared by the Developer and submitted to the Tampa Bay Regional Planning Council. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need for removing dead vegetation. An annual update of the operation and maintenance schedule showing compliance with its terms shall be included in the annual report.
- g. The master drainage system shall comply with the Department of Environmental Regulations Stormwater Rule, Chapter 17-25, Florida Administrative Code.

In the event that there is a conflict between any of the criteria and guidelines herein, the stricter criteria shall apply.

2. Prior to the final plat approval or detailed site plan approval if the project is not to be platted, the Developer shall submit to the Hillsborough County Environmental Protection Commission a copy of the Southwest Florida Water Management District's Stormwater Discharge Permit or Exemption.

3. Vegetated wetlands shall be created on the littoral shelves of stormwater detention ponds to enhance stormwater treatment and mitigate the loss of the 0.6 acre wet prairie. The design criteria shall include those elements specified in paragraph 1, above.

ED. Public Facilities

1. Prior to issuance of detailed site plan approval for ~~each phase~~ any portion of the development, the Developer shall provide to the Hillsborough County Department of Development Coordination verification that adequate police, fire service and emergency medical service facilities are available to serve ~~the described phase~~ that portion.

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

3. No detailed site plan approval shall be granted without an approved permitted wastewater collection system and sufficient treatment and effluent disposal capacity for that portion of the building construction. Approval shall be obtained from all appropriate local and State agencies. Documentation of these approvals shall be provided to the Department of Development Coordination prior to detailed site plan approval.

4. No building permits shall be issued without an approved, permitted potable water distribution system, available capacity for that portion of the building construction and ~~adequate~~ water pressure to meet Hillsborough County and City of Temple Terrace fire flow requirements. Approval shall be obtained from all appropriate local and State agencies.

FĒ. Open Space

1. The Developer or its successor shall be responsible for the maintenance of all open space/recreational areas and landscaped areas within ~~each phase of the development.~~

2. Those portions of the stormwater drainage system and retention and detention ponds not dedicated to and accepted by Hillsborough County shall remain the responsibility of the Developer or its successor.

3. The Developer or its successor shall undertake parking lot sweeping as a routine maintenance function.

4. The Developer or its successor shall be responsible for the operation of and maintenance of all on-site wells and landscape irrigation systems. The Developer shall utilize, either shallow on-site wells, pumping from retention areas, or non-potable water for open space and landscape irrigation.

GĒ. Wildlife

1. In the event that any rare, endangered or threatened species are observed on-site, the Developer shall immediately institute appropriate mitigation measures to avoid harm to the species. The mitigation measures employed shall be undertaken in cooperation with the Florida Game and Freshwater Fish Commission.

HĒ. Hazardous Waste

1. The Developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses, and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. The Developer shall provide to all GTE/Collier-64 businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers.
- b. Indicates the location of specifically-designated hazardous waste and materials containers.

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The Developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

Underground storage of hazardous, toxic or flammable materials, liquids or chemicals shall not be permitted, except that combustible and flammable liquids and liquified gas, as defined in NFPA 30, 54 and 58 to include gasoline, kerosene, petroleum, distillates, diesel fuel and liquified gas, may be stored only in underground tanks which shall be designed, installed, constructed and located to prevent seepage of contained products into surrounding sub-surface areas and which shall comply with NFPA codes, FDER Chapter 17-6 and all prevailing statutory and regulatory requirements and standards. In addition, the Developer shall install and maintain leak detectors for such underground tanks in accordance with County standards and criteria.

HH. Energy

The energy conservation measures described in the application shall be instituted by the Developer.

II. Archaeological Resources

The disposition of those archaeological resources previously discovered and those located during project construction shall be determined in cooperation with the Florida Division of Archives. All identified archaeological sites shall be subjected to mitigation excavation as approved by the Division of Archives. The data and artifacts recovered shall be reported to the Division of Archives prior to land clearing for construction in those specific areas.

IJ. Air Quality

The measures designed by the Developer to reduce air emissions referenced in the application shall be required. The Developer shall as a means of reducing fugitive dust accomplish the following:

1. Undertake chemical stabilization over heavily traveled primary haul route road sections as necessary.
2. Undertake periodic clearing of dirt during construction on paved roads adjacent to the site or as required by grading permit.
3. Use selective clearing to allow natural seeding to stabilize the disturbed soil and berms to minimize wind erosion.
4. Water all dirt roads as necessary.
5. Development of asphalt roads as soon as practical.
6. Stage clearing of lands within development areas to reduce land opened and exposed to windy conditions.
7. Water and spray at all stages of clearing to ensure dust control.
8. Undertake mulching, seeding and sodding immediately after final grading is completed.
9. Undertake progressive development of roadways, landscaping and buildings for purposes of reducing fugitive dust emissions.

K5. Hurricane Evacuation

The Developer shall promote awareness of and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure the safe and orderly evacuation of hotel guests and those employees, who for security or administrative reasons, are in the GTE/Collier-64 buildings after an evacuation order is issued, by:

- a. Ordering the closing of all buildings for the duration of the hurricane evacuation order.
- b. Informing all employees of evacuation routes out of the flood prone area and measures to be followed in the event of a hurricane.
- c. Coordinating with and informing appropriate public authorities of building closings, security and safety measures implemented, and evacuation plans.

This evacuation plan shall be included in the first annual report submitted to the County after occupancy of any portion of GTE/Collier-64.

L5. Wind and Water Caused Soil Erosion Control

The wind and water-caused soil erosion control measures referenced in the application shall be required.

MN. Street Cleaning Program

The Developer shall implement a street cleaning program for the parking and roadway areas within the development, pursuant to the Area-Wide Water Quality Management Plan for the Tampa Bay Region (1978).

~~O. Transportation - Impact Analysis Methodology~~

~~----- GTE/Collier-64 will have a substantial negative impact on several regionally significant transportation facilities within the project's impact area. This section and those immediately following it are designed to identify strategies to mitigate that negative impact by requiring certain actions and contributions from the Developer. Quantification of the impact of GTE/Collier-64 on area transportation facilities is based on the following methodology. Existing traffic volumes on roadways in the impact area were determined by counting traffic on those roadways. Growth factors were then applied to determine the "existing background" traffic for each phase of GTE/Collier-64. In addition to existing background traffic, allowances were made for traffic projected to be generated by approved developments which have not been built ("proposed background" traffic). The sum of existing background traffic and the proposed background traffic was used as the basis against which traffic generated by each phase of the project was evaluated.~~

~~----- The Developer has modified the proposed uses within GTE/Collier-64 so the retail/commercial element, originally proposed to include seventy thousand (70,000) square feet will not exceed twenty thousand (20,000) square feet. Accordingly, the original transportation study which accompanied the ADA has been modified to reflect said alterations and the methodology recognizes that fewer trips will be generated by the modified development.~~

~~----- The conditions precedent to consideration of a roadway segment as an element of the total impact of the project are:~~

~~1. The project's traffic on the roadway segment must equal or exceed 5% of the daily level of service (LOS) C, or peak hour LOS-D, capacity of the existing roadway; and~~

~~2. GTE/Collier-64 traffic, plus the total background traffic on the roadway segment, must result in a reduction of the level of service on the existing road segment to LOS-D or worse on a daily basis or LOS-E or worse at peak hours.~~

~~If traffic generated by the Project Phase on the specific road segment satisfies both of the above conditions, the Developer's proportionate share of the cost of improving said roadway segment to an acceptable service level shall be considered part of the Developer's total fiscal impact on the transportation system. The proportionate share is calculated by multiplying the project's daily traffic as a percentage of the daily LOS-C capacity of the improved roadway times the cost of the proposed improvement. Not considered as an element of the total fiscal impact are improvements which are under construction or which have been assigned a funding commitment in an approved transportation improvements program. The commitments by the Developer or other responsible entities for those transportation system improvements necessary to accommodate each phase of GTE/Collier-64 are identified below. The improvements listed in this Order are predicated on the TBRPC DRI report, and tables of improvements of Hillsborough County dated March 23, 1985, attached hereto, marked as Exhibit B and incorporated herein as reference.~~

NP. Transportation Monitoring Systems Management

~~The Developer shall submit for approval by TBRPC, the County, and the Hillsborough Area Transit Authority (HART), a plan of Transportation Systems Management (TSM) measures to be instituted and implemented for each Project Phase for GTE/Collier-64. The plan shall provide for sufficient TSM measures to mitigate the impact of the project on the regional road system by reducing the total peak hour vehicle trips projected in the ADA, as amended to reflect the reduced retail~~

~~area ("amended ADA projections"), for Phase I by ten percent (10%). The plan also shall provide for sufficient TSM measures to reduce the total peak hour vehicle trips specified in the amended ADA projections for Phases II, III and IV to a minimum of seven percent (7%) for each phase.~~

~~The plan shall be submitted to the reviewing agencies within one hundred eighty (180) days after issuance of a Certificate of Occupancy for 75,000 sq. ft. and, at a minimum, shall address the following items.~~

- ~~1. Staggered work hours or flex time;~~
- ~~2. Vehicle or ride sharing;~~
- ~~3. Provision and encouragement of transit service facilities and programs to increase transit ridership.~~

~~The Developer's annual report shall include a detailed yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation as to all diversions claimed to result from implementation of each TSM measure. Moreover, the County may monitor the efficacy of the Developer's TSM plan. If an annual report is not submitted or if the report or the County monitoring data indicates that the total peak hour trip reductions do not reach ten percent (10%) for Phase I and a minimum of seven percent (7%) for each of Phases II and III, the County shall:~~

- ~~1. Conduct a substantial deviation determination; and~~
- ~~2. Amend the Order to change TSM objectives; and/or~~
- ~~3. Require additional roadway improvements or assess the Developer for additional contributions for roadway improvements before any building permits will be issued for the subsequent Project Phase(s).~~

~~To assure that the transportation impacts of GTE/Collier 64 have been accurately projected in the amended ADA, surveys shall be taken every year after certificates of occupancy for seventy five thousand (75,000) square feet of office space, or the equivalent thereof in terms of trip generation, have been~~

~~issued. Said survey shall specifically address the level of service and funding commitments for Fowler Avenue between I-75 and 56th Street. The results of these surveys shall be included in the Developer's required annual report and the Developer's contributions and the conditions of this order shall be adjusted as a result of said surveys; provided, however, that said adjustments shall not exceed the contribution set forth hereinbelow.~~

~~When Certificates of Occupancy have been issued for 75,000 square feet of office space (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour traffic counts at the project entrance shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts shall continue on an annual basis through buildout. This information shall be supplied in the required Annual Report. If an annual report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, 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 or 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), Florida Statutes, shall 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.~~

00. Contributions

1. The Developer's fairproportionate share, allowing a ten percent (10%) credit for TSM reductions in Phase I, as well as credit for TSM reductions into a minimum total of seven percent (7%) for each subsequent phase, for the Development is Three Hundred Fifty Two Thousand Two Hundred Eighty Five Dollars and No Cents \$839,553352,285.00 ("Proportionate Share Amount") as set forth in Exhibit e"B", attached hereto and incorporated by reference. This amount is assessed as follows:

Phase I	\$281,342
Phase II	\$360,002
Phase III	\$198,209

2. If the Developer fails to gain through TSM, the reductions projected for any or all of said phases, the Developer's contribution for GTE/Collier-64 is \$1,008,273, as set forth in Exhibit B, assessed as follows:

Phase I	\$349,026
Phase II	\$421,063
Phase III	\$238,184

3. The Developer shall have the option, with each Project Phase, to contribute the amount of money specified as its fair share of the contribution costs and/or of constructing the improvements listed below. The amount of credit for construction costs incurred by the Developer shall be as specified in Exhibits B or C attached hereto and by reference made a part hereof. For any of the identified transportation improvements that the Developer constructs, the Developer shall be credited with the amount specified in Exhibits B or C attached hereto as the construction cost for said improvements and said credit shall be applied against the Developer's contribution for the subsequent Project Phase. All off-site construction of County roads and streets shall comply with Florida Department of Transportation (FDOT) or County standards relating to roadway design and construction as of the date that construction is initiated.

42. Within ~~ninety~~^{thirty} ~~(30)~~ (90) days after the formal request of Hillsborough County, the Developer shall dedicate to Hillsborough County sufficient right-of-way along the eastern side of the project along Morris Bridge Road, to provide for a one hundred eighteen (118') foot total right-of-way as measured from the Florida Department of Transportation limited access line. The County shall thereafter maintain the dedicated Morris Bridge Road right-of-way. The credit to the Developer for the subject additional dedicated right-of-way shall be the fair market value of the dedicated land as of the date of dedication, said value to be determined by mutual agreement between the Developer and Hillsborough County based upon generally accepted land value appraisal techniques and applicable Hillsborough County procedures for determining fair market value of dedicated lands.~~calculated at seventy-six thousand two hundred dollars (\$76,200) per acre, which~~ Said credit shall be applied against Hillsborough County Transportation Impact fees, as described in Section IV.P.2.d., ~~below.~~the Developer's Phase I contribution. [Resolution originally approving subject Development was amended on July 9, 1985, to incorporate the foregoing paragraph in lieu of language found in Section IV.P.2.d. except where "lined through" and additional language is shown.]

~~5. Prior to issuance of any building permits for Project Phase I, the Developer shall pay the County One Hundred Thousand Dollars (\$100,000.00) for a County transportation study unless the Developer has contributed \$100,000.00 toward this study for DRI #116. The study shall be commenced by May 18, 1985 and shall be conducted for the North I-75 Corridor area in cooperation with the FDOT, TBRPC, the City of Temple Terrace, Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO") and other developers in the study area by the County. Said funds shall be a credit against the Developer's fair share contribution. The parameters of the study~~

~~shall consider all approved developments in the area, including previously approved DRIs and projected development. The study shall include, but not be limited to:~~

- ~~a. The regionally significant roadways, which shall be included in the focus of the study, as well as identification of additional roadways to be constructed within the study area.~~
- ~~b. Consideration of existing, approved and projected development.~~
- ~~c. A description of the manner by which the traffic impact of existing development will be documented.~~
- ~~d. A description of the manner by which the traffic impact of approved and projected development will be assessed.~~
- ~~e. The degree to which mass transit can serve as a viable alternative to alleviate overburdening of the roadways.~~
- ~~f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase completion for projects approved within the study area.~~
- ~~g. Funding commitments for the improvements identified.~~

P. Transportation Options

~~The Developer, at its option, shall select one of the following alternatives to mitigate the Development's transportation impacts.~~

61. Option 1

~~Under current conditions, and assuming that the Developer shall effectively implement TSM measures as specified above and that the change in square footage of retail use is accomplished as described above, the following transportation improvements are necessary to mitigate the impact of GTE/Collier-64. Prior to approval of construction for the Development, the Developer shall acquire funding commitments from responsible entities for the roadway improvements listed in Exhibit "C", attached hereto. Without funding commitments for these improvements, construction permits shall not be issued for the Development. As used in this Option 1, "funding commitment"~~

shall mean that the responsible entity has provided for the construction of a roadway improvement in its five (5) year capital improvement program.

~~Phase I:~~

- ~~1. Improve 15th Street/Fletcher Avenue intersection as follows: add one northbound-to-westbound left turn lane; add one southbound-to-eastbound left turn lane; add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 6.5 percent of the summation of critical movements of LOS D, peak hour.~~
- ~~2. Improve 22nd Street/Fletcher Avenue intersection as follows: add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 6.6 percent of the summation of critical movements of LOS D, peak hour.~~
- ~~3. Improve Bruce B. Downs/Fletcher Avenue intersection as follows: add one northbound-to-eastbound right turn lane; add one southbound-to-westbound right turn lane; add one westbound-to-northbound right turn lane; add two northbound and two southbound through lanes; add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 15.8 percent of the summation of critical movements of LOS D, peak hour.~~
- ~~4. Improve 56th Street/Fletcher Avenue intersection as follows: signalize.~~
- ~~5. Increase the capacity of Fletcher Avenue between Bruce B. Downs Blvd. and 56th Street by constructing one additional eastbound and~~

~~one additional westbound lane. GTE/Collier-64 will contribute 7.1 percent to the LOS D service volume during the peak hour.~~

~~6. Increase the capacity of Fletcher Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 16.9 percent to the LOS D service volume during the peak hour.~~

~~7. Increase the capacity of Fowler Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 15.6 percent to the LOS D service volume during the peak hour.~~

~~8. Increase the capacity of Fletcher Avenue between I-275 and Bruce B. Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 15.6 percent of the service volume of LOS D during the peak hour.~~

~~Phase II:~~

~~1. Improve the I-275/Fletcher Avenue intersection as follows: add one westbound and one eastbound through lane. GTE/Collier-64 will contribute 6.8 percent of the summation of critical movements of LOS D during the peak hour.~~

~~2. Improve the Nebraska Avenue/Fletcher Avenue intersection as follows: add one northbound and one southbound through lane; add one southbound-to-westbound right turn lane; add one eastbound and one westbound through lane; add one eastbound-to-northbound left turn~~

lane. ~~GTE/Collier-64 will contribute 8.0 percent of the summation of critical movements of LOS D during the peak hour.~~

~~3. Improve the Bruce B. Downs Boulevard/Fletcher Avenue intersection as follows: add one eastbound-to-northbound left turn lane; add one westbound through lane; add one westbound-to-southbound left turn lane. GTE/Collier-64 will contribute 7.6 percent of the summation of critical movements of LOS D, during the peak hour.~~

~~4. Improve the 56th Street/Fletcher Avenue intersection as follows: add one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 13.4 percent of the summation of critical movements of LOS D, during the peak hour.~~

~~5. Improve the Morris Bridge Road/Fowler Avenue intersection as follows: add one additional eastbound and one additional westbound through lane; add one eastbound-to-southbound right turn lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 82.1 percent of the summation of critical movements of LOS D during the peak hour.~~

~~6. Improve the capacity of Morris Bridge Road from 127th Avenue to Fowler Avenue by constructing one northbound and one southbound lane. GTE/Collier-64 will contribute 37.6 percent of the LOS B service volume during the peak hour.~~

~~7. Improve the capacity of Fletcher Avenue between I-275 to Bruce B. Downs Blvd. by constructing one additional eastbound and one~~

~~additional westbound through lane.~~
~~GTE/Collier-64 will contribute 12.6 percent~~
~~of the LOS D service volume during the peak~~
~~hour.~~

~~8. Improve the capacity of Fletcher Avenue~~
~~between Bruce B. Downs Boulevard to 56th~~
~~Street by constructing one additional~~
~~eastbound and one additional westbound~~
~~through lane. GTE/Collier-64 will contribute~~
~~13.6 percent of the LOS D service volume~~
~~during the peak hour.~~

~~9. Improve the capacity of Fletcher Avenue~~
~~between 56th Street and I-75 by constructing~~
~~one additional eastbound and one additional~~
~~westbound through lane. GTE/Collier-64 will~~
~~contribute 13.6 percent of the service volume~~
~~of LOS D during the peak hour.~~

~~Phase III:~~

~~1. Improve the I-275/Fletcher Avenue~~
~~intersection as follows: Add one eastbound~~
~~and one westbound through lane.~~
~~GTE/Collier-64 will contribute 6.7 percent of~~
~~the summation of critical movements of LOS D~~
~~during the peak hour.~~

~~2. Improve the Nebraska Avenue/Fletcher Avenue~~
~~intersection as follows: Add one~~
~~northbound-to-eastbound right turn lane; add~~
~~one eastbound-to-southbound right turn lane;~~
~~add one westbound-to-northbound right turn~~
~~lane; add one westbound-to-southbound left~~
~~turn lane. GTE/Collier-64 will contribute~~
~~7.7 percent of the summation of critical~~
~~movements of LOS D during the peak hour.~~

~~3. Improve the 15th Street/Fletcher Avenue intersection as follows: add one eastbound-to-southbound right turn lane; add one additional eastbound and one additional westbound through lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 9.4 percent of the summation of critical movements of LOS D during the peak hour.~~

~~4. Improve the 22nd Street/Fletcher Avenue intersection as follows: add one additional eastbound and one westbound through lane. GTE/Collier-64 will contribute 10.6 percent of the summation of critical movements of LOS D during the peak hour.~~

~~5. Improve the Bruce B. Downs Boulevard/Fletcher Avenue intersection as follows: add one northbound-to-westbound left turn lane; add one southbound-to-eastbound left turn lane; add one eastbound through lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 7.5 percent of the summation of critical movements of LOS D during the peak hour.~~

~~6. Improve the 56th Street/Fowler Avenue intersection as follows: add one additional eastbound and one additional westbound through lane. GTE/Collier-64 will contribute 6.2 percent of the summation of critical movements of LOS D during the peak hour.~~

~~7. Improve the Morris Bridge Road/Fowler Avenue intersection as follows: add one southbound-to-eastbound left turn lane; add one additional eastbound and one additional westbound through lane; add one eastbound-~~

~~to northbound left turn lane. GTE/Collier-64 will contribute 53.1 percent of the summation of critical movements of LOS D during the peak hour.~~

~~8. Improve the capacity of Morris Bridge Road from 127th Avenue to Fowler Avenue by constructing one additional northbound and one additional southbound lane. GTE/Collier-64 will contribute 51.1 percent of the service volume of LOS D during the peak hour.~~

~~9. Improve the capacity of Fletcher Avenue between I-275 and Bruce B Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 17.1 percent of the service volume of LOS D during the peak hour.~~

~~10. Improve the capacity of Fletcher Avenue between Bruce B. Downs Boulevard and 56th Street by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 18.4 percent of the service volume of LOS D during the peak hour.~~

~~11. Improve the capacity of Fowler Avenue between I-275 and Bruce B. Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 9.4 percent of the service volume of LOS D during the peak hour.~~

~~12. Improve the capacity of Fowler Avenue between Bruce B. Downs Boulevard and 56th Street by constructing one additional eastbound and one~~

~~additional westbound lane. GTE/Collier-64 will contribute 11.6 percent of the service volume of LOS D during the peak hour.~~

~~13. Improve the capacity of Fowler Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 16.7 percent of the service volume of LOS D during the peak hour.~~

~~14. Improve the capacity of US 301 from Thonotosassa Road (CR 579) to Fowler Avenue by constructing one additional northbound and one additional southbound lane. GTE/Collier-64 will contribute 5.9 percent of the service volume of LOS D during the peak hour.~~

~~7. The Developer's fair share for said roadway improvements for GTE/Collier-64 shall be as is specified in Exhibits B or C which are attached hereto and by reference made a part hereof.~~

R 2. Option 2

~~Because commitments for transportation improvement are adequate to permit one partial approval of Phase I of GTE/Collier-64, the capacity and loading of transportation facilities in the GTE/Collier-64 transportation area, including but not limited to the regional roadways and intersections referenced above, shall be limiting factors on any subsequent approvals or permits. Accordingly, prior to issuance of any building permit for any Project Phase after Phase I, the Developer shall generate and provide the City of Tampa, the County, MPO and TBRPC with updated current traffic counts on the roadways designated above for the existing Project Phase(s) and the next subsequent phase projections of traffic volumes that will result from the completion of the currently approved project construction, plus that to be generated by the next Project Phase~~

~~for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis findings (referenced in "contributions" above) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the regional roadways at a satisfactory level of service, daily LOS-C, or LOS-D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared and reviewed consistent with generally accepted traffic engineering practices, the ADA and Section 380.06, Florida Statutes.~~

~~————— If said traffic analysis fails to assure that the roadways included in the analysis are operating at or above an average daily LOS-C, or LOS-D at peak hours, and that the expected trips to be generated by the next Project Phase would cause the roadways to operate at an LOS worse than average daily LOS-C, or LOS-D at peak hours, the Order shall be amended to require the identified alternate transportation improvements and mechanisms or require the Developer to extend development of the next Project Phase for a period of up to three (3) years;; as appropriate or necessary to cure and mitigate the adverse transportation impacts of the development phase under consideration. If said traffic analysis assures that the identified roadways will continue to operate at or above an average daily LOS-C, or LOS-D at peak hour, through the next Project Phase, the Developer shall be permitted to commence construction of the next Project Phase in accordance with the schedule established in Paragraph B above, subject to the requirement that the Developer shall provide traffic analyses for each subsequent Project Phase in accordance with the terms and conditions established above as to each such phase. To discharge its responsibility to mitigate its proportionate share of the negative transportation impact of the project, the Developer shall pay the County the assessed contribution for each Project Phase before the first certificate of occupancy will be issued for the first building for said phase.~~

~~The County agrees to utilize the Developer's contributions for the specified purposes put out in the contribution plan shown in Exhibits B or C, agreed to by the County and the Developer, pursuant to the terms contained herein. The County shall award contracts for construction of the improvements identified above and referred to in Exhibits B or C, attached hereto and by reference made a part hereof upon receipt of contributions or impact fees from the Developer and from other development projects in the area which equal, in the aggregate, when coupled with funds received from other sources and funds allocated in the County transportation improvements programs, the cost of those improvements. On joint stipulation of both parties, the County and TBRPC may modify the above-referenced list of improvements, based on subsequent TSM measures and transportation studied.~~

~~S. In the event that TBRPC revises its threshold criteria for level of service or for GTE/Collier-64 traffic and the County concurs with such revision, then the improvements identified in this Order which exceed those thresholds will be added as conditions of this Order and those thresholds shall be eliminated. In the event that the above-described revision necessitates a modification to the Developer's proportionate share, said modification shall take place at the time of the actual revision and shall not have a retroactive effect.~~

~~a. In lieu of Option 1 above, the Developer may select Option 2 as set out herein. This pipeline option may be pursued to accommodate transportation impacts of the Development. The pipeline Proportionate Share Amount was calculated for the Development in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, and has been determined to be Three Hundred Fifty Two Thousand Two Hundred Eighty Five Dollars and No Cents (\$352,285.00). The requirements of Option 2 have been determined to be the appropriate requirements to cure and mitigate the impacts of the Development~~

on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

b. The Developer shall design and construct an improvement on Fletcher Avenue, which roadway improvement is specifically described on Exhibit "D", attached hereto (hereinafter referred to as the "Required Improvement"). The Required Improvement shall be designed to adopted Hillsborough County standards and where applicable, State of Florida Department of Transportation standards.

c. The Developer shall commence design of the Required Improvement upon the issuance of the first building permit for the development and shall complete same within nine (9) months. Acquisition of necessary permits for the Required Improvement and construction of the Required Improvement shall be completed within two (2) years of the date of issuance of the first building permit for the Development, or if no building permit is issued, then by December 31, 1992.

d. The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 as amended by 87-19 and as amended by 89-4 and as amended by 89-6, (Roadway Improvements) and 85-24E as amended by 86-5 and 87-17 and as amended by 89-3, (Right-of-Way) is approximately Six Hundred Fifty Nine Thousand Five Hundred Forty Six Dollars and Forty Nine Cents (\$659,546.49) for the Development, based on external daily trips. (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances".) The Proportionate Share Amount by the Developer for the Development in accordance with

Section 380.06, Florida Statutes, as calculated by Hillsborough County and TBRPC is Three Hundred Fifty Two Thousand Two Hundred Eighty Five Dollars and No Cents (\$352,285.00).

e. The cost of the Required Improvement is approximately Three Hundred Eighty Thousand Forty Five Dollars and No Cents (\$380,045.00), which amount includes design, right-of-way acquisition, construction and construction inspection; which amount exceeds the Proportionate Share Amount. Prior to commencement of construction of the Required Improvement, the Developer shall obtain competitive bids and shall award the construction contract to the lowest and best bidder, which determination shall be at the sole discretion of the Developer. Hillsborough County shall provide any necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including without limitation, providing assistance through its powers of eminent domain.

f. Buildings, or portions thereof, which are constructed within the Development beyond a development amount which generates off-site daily trips in excess of that number of trips derived by dividing the total expenses borne by the Developer for design, right-of-way acquisition, if any, construction and construction inspection of the Required Improvement by One Hundred Fourteen Dollars and Fifty Cents (\$114.50) (\$114.50 is an amount which represents the dollar value per trip derived from criteria contained in the Transportation Impact Fee Ordinances) shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time provided, however, that the agreed upon value of the dedicated right-of-way for Morris Bridge Road, as specified in Section IV.0.2., above, shall be applied toward and be a credit against

impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder.

g. The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

h. If the Required Improvement has not been designed or constructed within the above stated periods, no further building permits or certificates of occupancy shall be issued. After concurrence from TBRPC, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvements as expeditiously as possible, but in any event within two years after the posting of the above stated bond or Letter of Credit.

i. In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, civil commotion or natural disaster then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that

such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed three (3) months. Any requested extensions beyond such three (3) month period may only be accomplished by an amendment to this Development Order in accordance with the provisions of Section 380.06 (19), Florida Statutes.

~~T. The Developer shall construct and maintain signage and traffic control devices within GTE/Collier-64 and shall construct all roads within GTE/Collier-64 in accordance with County design criteria and standards and subject to County inspection and approval prior to acceptance. All roads within GTE/Collier-64 shall be dedicated to the County. The Developer shall receive no credit against the transportation improvement contributions referred to hereinabove for roadway improvements or construction within GTE/Collier-64, for any access point thereto or for any road or street improvements which the County deems to be ordinary costs of development.~~

QU. At its own expense, the Developer shall provide bus shelters, bus turnouts and information signs on or adjacent to GTE/Collier-64 and shall assume the following responsibilities, which shall not be considered part of the Developer's proportionate share amount contribution for transportation improvements as described hereinabove:

1. The Developer shall design and construct all access and internal road geometrics to accommodate a ninety-six (96") inch wide by forty (40') foot long advance design transit coach.

2. The Developer shall provide shelters and pull-out bays along the on-site transit route at County-approved shelter locations, which shall be reasonable and accessible via

walkways/cross-walks for pedestrian movement to and from buildings. County-approved area lighting and signage will be placed by the Developer at all shelter sites and bus stops.

3. The Developer shall provide at least one transit schedule/information display area at each bus stop/shelter.

4. Maintenance of transit amenities shall be the responsibility of the Developer.

5. Details, standards and phasing of all transit amenity provisions must be approved by HART and the CityCounty.

~~VR. If the County transportation study establishes that certain of the improvements referred to hereinabove should no longer be considered as a factor in determination of the Developer's proportionate contribution because the specific roadway link or intersection does not satisfy the conditions precedent to requirement for an improvement to be made, and if the County concurs in the result of study, or if the GTE/Collier-64 is determined by TBRPC to be located within a regional activity center, then the Developer's proportionate share contribution for GTE/Collier-64 shall be adjusted accordingly. The transportation phase of the study referred to in IV(A) above shall be commenced by May 18, 1985 and submitted to the Tampa Bay regional Planning council no later than December 31, 1985. Upon receipt, the council shall evaluate, based upon the results of the study and other pertinent information available to it, whether the GTE/Collier-64 property should be designated as part of a regional activity center. If the Regional Planning council designates GTE/Collier-64 as part of a regional activity center and the Board of County commissioners approves this designation, adjustments to the Developer's proportionate share contribution for GTE/Collier-64 shall be calculated as follows:~~

~~1. At the time an adjustment is requested, the cost of construction of the improvements shall be recalculated based on the then-projected construction costs (the "Revised Construction Costs").~~

~~2. The Developer's proportionate share of the Revised Construction costs for each improvement shall be recalculated applying the then-applicable criteria for determine required improvements and proportionate share contribution (the Developer's "Revised Proportionate Share").~~

~~3. The sum of the individual Revised Shares as calculated above shall be the Developer's adjusted contribution.~~

~~W. In the event that any entity, other than FDOT or the County, allocates funds in an approved transportation improvement program to cover all or a portion of the costs of any of the road improvements identified above, then, the following results shall occur, subject to the further adjustment described below:~~

~~1. If all of the funds are allocated, said improvements shall be deleted from the list of required improvements and the Developer's total proportionate share contribution shall be reduced accordingly, or~~

~~2. If a portion of the funds are allocated, then the Developer's contribution shall be calculated by applying the GTE/Collier-64 share of the traffic, expressed as a percentage of the improved capacity of the road segment or intersection, against the remaining cost of construction of the road improvement which must be paid by the County. As a result of the above-described process, the total proportionate share contribution of the Developer shall be reduced accordingly.~~

~~To the extent that the County receives road construction funds from sources other than: (1) gasoline taxes, (2) ad valorem taxes, (3) impact fees, or (4) special assessments and shall allocate said funds to an approved transportation improvements program to cover all of the costs of any of the road improvements identified above, then said improvements shall be deleted from the list, or a proportionate share thereof shall be eliminated as required improvements, and the Developer's total proportionate share contribution shall be reduced accordingly, subject to the "further adjustment" as described herein.~~

~~The "further adjustment" referred to above to determine the Developer's proportionate reduction shall be calculated as follows:~~

~~1. At the time an adjustment is requested, the cost of construction of the improvements shall be recalculated based on the then-projected construction costs (the "Revised Construction Cost").~~

~~2. The Developer's proportionate share of the Revised construction Cost for each improvement shall be calculated by applying the then-applicable criteria for determining required improvements and proportionate share contributions (the Developer's "Revised Proportionate Share").~~

~~3. The sum of the individual Revised Proportionate Shares as calculated above shall be the Developer's adjusted contribution; provided, however, that, in no event, shall the adjusted contribution exceed the amounts referenced hereinabove.~~

~~X. If the County adopts a transportation impact fee ordinance, and if TBRPC finds that the impact fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier-64, the impact fee ordinance would regulate the Developer's contribution of required transportation improvements. Additionally, the requirements of transportation improvements of Section Q (Contributions) which are not governed by the impact fee ordinance shall be contributed by the Developer and the timing of improvements and the roadways requiring improvements shall remain the same as listed in Section Q (Contributions). If the impact fee ordinance is not adopted by the Board of County Commissioners or if TBRPC does not find that the impact fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier-64, then the transportation improvements listed in Section Q (Contributions) shall be required. If the impact fee ordinance is applicable, the Developer shall pay the County impact fees; provided, however, that:~~

~~1. The Developer shall be given credit against those impact fees imposed by the County ordinance for applicable costs expended in constructing improvements under the contractual obligations referenced herein, and~~

~~2. The Developer shall be given credit against those impact fees imposed by the County ordinance for other contributions made for other phases pursuant to the terms of the contribution plan described herein; and~~

~~3.U. In the event that any entity other than FDOT, the County, or some other private party or Developer should allocate funds in an approved transportation improvement program to cover the costs of construction for one or more of the improvements identified above and the costs of these program improvements was included in the calculation of the Developer's impact fee, then the Developer's impact fee shall be reduced by an amount representing its proportionate amount of the Fee attributable to said improvements.~~

YS. This Order shall remain in effect for a period of ~~twelve~~^{fifteen} (15) (12) years from the effective date hereof. Any development activity wherein plans have been submitted to the County for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the Board of County Commissioners on finding of excusable delay in any proposed development activity.

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 on April 30, 1985, as the same appears of record in Minute Book 107 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 1st day of May, 1985.

JAMES F. TAYLOR, JR., CLERK

BY: _____

Deputy Clerk

COMPOSITE EXHIBIT "A"
TO AMENDED DEVELOPMENT ORDER

The Application for Development Approval and Sufficiency Response was attached as Composite Exhibit "A" to the Resolution of the Board of County Commissioners of Hillsborough County, Florida for DRI #114, which Resolution was approved on April 30, 1985. Said Resolution and Composite Exhibit "A" were transmitted to the State of Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council in accordance with Section 380.06, Florida Statutes. Accordingly, such documents, are not attached hereto.

EXHIBIT "B"
TO AMENDED DEVELOPMENT ORDER

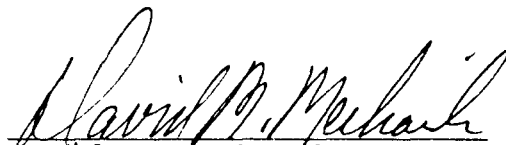
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared David M. Mechanik, as attorney for SSB Realty, Inc., the co-applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the GTE/Collier-64 DRI ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. SSB Realty, Inc. and GTE/Collier filed the Notice of Change on January 13, 1989,.

2. The Notice of Change was filed with all persons as required by law.



David M. Mechanik
Attorney for
SSB Realty, Inc.

Sworn to and subscribed before me this 2nd day of MAY, 1989.


Notary Public

(Notarial Seal)

My commission expires:

NOTARY PUBLIC, State of Florida
My Commission Expires Feb. 7, 1993

EXHIBIT "C"
TO DRI #114 AMENDED DEVELOPMENT ORDER

Required Intersection Improvements for GTE 64 Based on 5 Percent of LOS D Peak-Hour Service Volumes

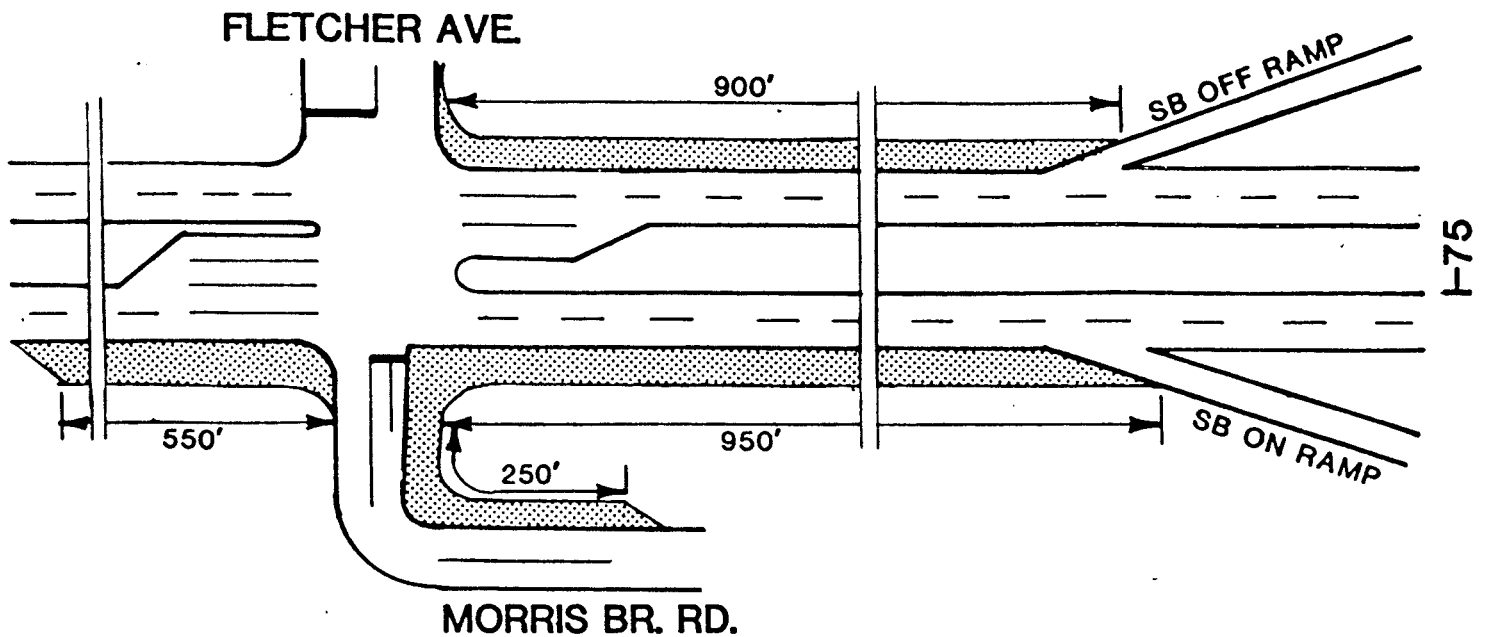
Intersection	Total Traffic LOS Prior to Improvement	Project Traffic As % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
Fletcher Avenue at Morris Bridge Road	E	16.2	Construct one thru-lane east-bound and one thru-lane west-bound

Required Link Improvements for GTE 64 Based on 5 Percent of LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Project Traffic As % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
Fletcher Avenue	56th Street to Hills- borough River	F	17.1	Construct improvements to provide 4-lane Divided Arterial
Fletcher Avenue	Morris Bridge Road to I-75	F	21.5	Construct improvements to provide 6-lane Divided Arterial
Fowler Avenue	56th Street to Hills- borough River	F	14.2	Construct improvements to provide 6-lane Divided Arterial
Fletcher Avenue	Southbound on-ramp at I-75	F	21.6	Construct improvements to provide 2-lane on-ramp

*-----
This improvement is reflected in Required Link Improvements table.

EXHIBIT "D"
PIPELINE IMPROVEMENT



LEGEND

 IMPROVEMENTS

The "Required Improvement" provides for a northbound right-turn (250') lane and an eastbound through/right-turn lane (550') at the intersection of Fletcher Avenue/Morris Bridge Road, as well as one eastbound (950') and one westbound (900') through lane along Fletcher Avenue between Morris Bridge and the southbound ramps of Interstate 75.

EXHIBIT "2"
TO RESOLUTION

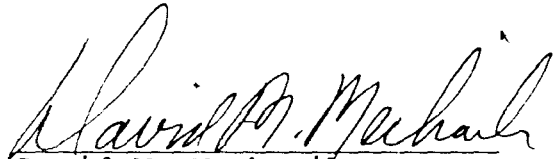
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared David M. Mechanik, as attorney for SSB Realty, Inc., the co-applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the GTE/Collier-64 DRI ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. SSB Realty, Inc. and GTE/Collier filed the Notice of Change on January 13, 1989,.

2. The Notice of Change was filed with all persons as required by law.


David M. Mechanik
Attorney for
SSB Realty, Inc.

Sworn to and subscribed before me this 2ND day of MAY, 1989.


Notary Public

(Notarial Seal)

My commission expires:

NOTARY PUBLIC, State of Florida
My Commission Expires Feb. 7, 1993

LAWSON, MCWHIRTER, GRANDOFF & REEVES
ATTORNEYS AT LAW
821 THE PLAZA
201 E. KENNEDY BOULEVARD
P. O. Box 3350
TAMPA, FLORIDA 33601

JOHN W. BAKAS, JR.
ENOLA T. BROWN
C. THOMAS DAVIDSON
AILEEN S. DAVIS
J. BERT GRANDOFF
LESLIE JOUGHIN, III
JOHN R. LAWSON, JR.
JOSEPH A. MCGLOTHLIN
JOHN W. MCWHIRTER, JR.
ELVIN W. PHILLIPS
LEONARD R. POE
RICHARD W. REEVES

(813) 224-0866

CABLE: GRANDLAW

May 1, 1985

HAND DELIVERY

Ms. Sheila Benz, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

RE: GTE/Collier-326 and GTE/Collier-64
Our File Nos. G62-2808 and -2807

Dear Sheila:

Enclosed please find the signed Development Orders and accompanying exhibits for DRI No. 114 and that portion of DRI No. 116 lying in unincorporated Hillsborough County, which were passed by the Hillsborough County Board of County Commissioners on April 30, 1985.

With regard to DRI No. 114, I enclose two exhibits (B and C). Exhibit B is the table of improvements compiled by Hillsborough County (dated March 23, 1985) indicating the developer's fair share contribution without TSM credits. Exhibit C indicates the developer's fair share contribution with TSM reduction in Phases 1, 2 and 3. In accordance with our conversation of last evening, I am not transmitting composite Exhibit A (ADA, legal description, sufficiency response, and all other exhibits submitted as part of the application).

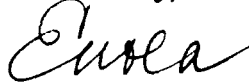
With regard to DRI No. 116, I enclose no exhibits. As you are aware, the transportation section for the 20 acres of DRI No. 116 which lie in Hillsborough County incorporates the transportation section from the approved Development Order for the 306 acres lying within Temple Terrace. Those exhibits referenced in the transportation section, therefore, are the exhibits from the Temple Terrace Development Order which you have in your possession. As to those exhibits referenced in the nontransportation section of the Development Order, there is only one: composite Exhibit A. Because this exhibit, which consists of the application, sufficiency response, legal description, and any other exhibits submitted as part of the application is already in your possession, I am not transmitting it pursuant to our conversation of April 30, 1985.

Ms. Sheila Benz
May 1, 1985
Page 2

By your receipt of these documents prior to 5:00 p.m. today, it is my understanding that we will be agendaed for the May 13, 1985 Council meeting.

Should you have any questions, please contact me.

Sincerely,



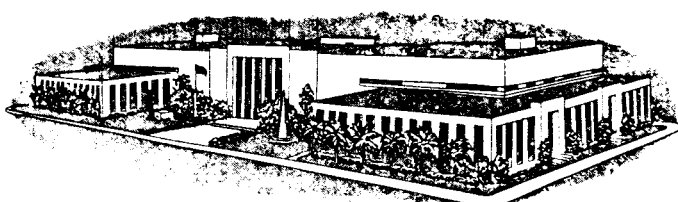
Enola T. Brown

ETB/les

Enclosures

cc: Mr. Roy Cawley, Collier Enterprises
Mr. Richard Driscoll, Collier Enterprises
Mr. Roy Harlow, GTE Realty Corporation
Mr. R. James Robbins, Robbins and Company

50



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

IN RESPONSE REFER TO:

July 29, 1985

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

Attn: Bruce R. Belrose

Re: Resolution - Amendment to Development Order - DRI #114 -
GTE Realty Corporation/Collier Enterprises
H.C. Document No. R85-0125

Dear Mr. Belrose:

Enclosed please find an executed copy of the subject Resolution which was approved by the Hillsborough County Board of County Commissioners on July 9, 1985.

Sincerely,

JAMES F. TAYLOR, JR., CLERK
BOARD OF COUNTY COMMISSIONERS

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

ELF/lt

cc: Board files (Orig.)
State of Florida Land Planning Agency
Elliott Dunn, Asst. County Attorney
GTE Realty Corp./Collier Enterprises via Mark Gentry, H.C. Dept. of
Development Coordination

Enclosure

10. Mark Gentry

An Affirmative Action - Equal Opportunity Employer

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #114
AMENDMENT TO DEVELOPMENT ORDER**

WHEREAS, in August, 1984 GTE Realty Corporation/Collier Enterprises, Inc. filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Board of County Commissioners, as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, and authorized and empowered to consider applications for development approval for developments of regional impact, has, on February 18, 1985, held a duly noticed public hearing on said application and has received and considered the reports and testimony of the Tampa Bay Regional Planning Council, interested citizens, County agencies and the Hillsborough County Administration; and

WHEREAS, on April 30, 1985, the Board of County Commissioners by resolution approved the application for development approval subject to the terms and conditions of the Development Order; and

WHEREAS, condition IV, Q, 4 of the Development Order requires GTE Realty Corporation/Collier Enterprises, Inc. ("Developer") to dedicate, within thirty (30) days of the effective date of the Development Order, sufficient right-of-way along the eastern side of the project along Morris Bridge Road, to provide for a one hundred eighteen (118') foot total right-of-way as measured from the Florida Department of Transportation limited access line; and

WHEREAS, as of the 30th day following the effective date of the Development Order, the Developer had exercised its options on the property which was the subject of the approved Development Order, but had not become the fee owner, and as such could not dedicate the required right-of-way to Hillsborough County; and

WHEREAS, the Developer, on May 30, 1985, requested the County Department of Development Coordination to amend Section IV, Q, 4 of the Development Order to require the Developer to dedicate the Morris Bridge Road right-of-way upon the request of the County; and

WHEREAS, the Board of County Commissioners, authorized and empowered to consider applications to amend a Development Order for a development of regional impact, pursuant to Section 380.06, Florida Statutes, has, on July 9, 1985 held a duly noticed public hearing on said amendment in which they have received and considered the reports and testimony of the Tampa Bay Regional Planning Commission, interested

citizens, County agencies and the Hillsborough County Administration on the subject of the requested amendment; and

WHEREAS, the Board of County Commissioners, has determined that the requested amendment to the Development Order does not constitute a substantial deviation as that term is defined in Section 380.06, Florida Statutes; and

WHEREAS the Developer wishes to amend the dedication date for the right-of-way of Morris Bridge Road and the County wishes to be able to receive the required right-of-way within thirty (30) days of the County's request for said right-of-way.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

Section IV, Q, 4 of the Development Order for Development of Regional Impact #114 (GTE/Collier-64) is hereby amended to read as follows:

4. Within thirty (30) days after the formal request of Hillsborough County, the Developer shall dedicate to Hillsborough County sufficient right-of-way along the eastern side of the project along Morris Bridge Road, to provide for a one hundred eighteen (118') foot total right-of-way as measured from the Florida Department of Transportation limited access line. The County shall thereafter maintain the dedicated Morris Bridge Road right-of-way. The credit to the Developer for the subject additional dedicated right-of-way shall be calculated at seventy six thousand two hundred dollars, (\$76,200) per acre, which shall be applied against the Developer's Phase 1 contribution.

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 July 9, 1985 as the same appears of record in Minute Book 110 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 25th day of July, 1985.

JAMES F. TAYLOR, JR., CLERK

APPROVED BY COUNTY ATTORNEY

By: Edna L. Lintotick
Deputy Clerk

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI # 114
DEVELOPMENT ORDER**

WHEREAS, in August, 1984 GTE Realty Corporation/Collier Enterprises, Inc. filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a mixed-use corporate office park development on approximately sixty-four (64) acres located in northeastern Hillsborough County, hereinafter referred to as GTE/Collier-64 and within the Horizon 2000 Land Use Plan Research Corporate Park (RCP); and

WHEREAS, the Board of County Commissioners as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for development approval for developments of regional impact; and,

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and,

WHEREAS, the Zoning Hearing Master appointed pursuant to Chapter 83-416, Laws of Florida (1983), has reviewed the application for development approval and has filed a recommendation on said application with the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on February 18, 1985 held a duly noticed public hearing on said application for development approval and has heard and considered testimony and other documents and evidence; and

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

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. GTE/Collier-64, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and a sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the application for development approval, and sufficiency response and other exhibits duly submitted and recorded.

B. The real property which is the subject of the application for development approval is legally described as set forth in Composite Exhibit A, attached hereto and made a part hereof by reference.

C. The proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies and Cities of Tampa and Temple Terrace.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Board of Commissioners, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. In considering whether the development should be approved subject to conditions, restrictions and limitations, Hillsborough County has considered the criteria stated in subsection 380.06, Florida Statutes.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

D. The application for development approval is approved subject to all terms and conditions of this Development Order.

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Research Corporate Park (RCP).

III. GENERAL PROVISIONS

A. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the application and sufficiency response marked "Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the GTE/Collier-64 Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1981), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right

to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at GTE/Collier-64, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council shall result in further review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes (1981), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County

Administrator who shall after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and

3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1981).

N. Upon adoption, the Development Order 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 the Developer.

O. Revisions to the development not contemplated or addressed within this Development Order shall be subject to Tampa Bay Regional Planning Council incremental review fees.

- f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase of completion for projects approved within the study area.
- g. Funding commitments for the improvements identified.

The environmental section of the study shall include as a minimum the following information:

- a. Definition of study area boundaries.
- b. Inventory of natural resources and environmental features within the study area, such as surface waters, groundwater resources, and threatened and endangered species, prime and unique agricultural lands, preservation/conservation areas.
- c. Identification of specific natural resources to be protected from the effects of urbanization.
- d. Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization.
- e. Identification of opportunities for recreational use.
- f. Assessment of the impacts associated with public facility expansion, such as physical plant location and operating procedures.
- g. Formulation of a program to promote public and private awareness.
- h. Identification of those actions necessary to be taken to implement the results of the study.

The parameters of the public facilities section of the study shall include for the wastewater treatment plan, the following information:

- a. Assessment of the amounts and sources of wastewater expected to be generated within the study area on a yearly basis for a specified time period (five to ten years).
- b. Identification of existing and future treatment capacity of regional and/or interim plants expected to provide treatment service.
- c. Identification of 201 plan amendments/expansions/new facilities which may be needed to accommodate the anticipated flows.
- d. Identification of the fiscal impact of proposed boundary changes of regional facilities.
- e. Identification of funding sources or grants which may be available for needed improvements.
- f. Identification of discharge points and new or expanded effluent and sludge disposal areas which shall be needed, including impacts on receiving waters or groundwater.

- g. Identification of the disposal sites to be acquired and the manner in which these sites will be funded and acquired.

B. Phasing Schedule

1. The development of the project in accordance with the proposed phasing schedule contained in the application is an integral part of the Development Order conditions. Therefore, if the Developer elects to amend the proposed phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere acceleration of phases if the terms of this Order are otherwise fully complied with, and the acceleration does not result in a substantial deviation. If the County finds that amendments to the terms of this Development Order are required by amendments to the phasing schedule, then said amendments, to the extent consistent herewith, shall be included as conditions of approval of the changes to the phasing schedule. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final certificate of occupancy as determined by building square footage for the phase. No building permits or other approvals shall be issued for a subsequent phase until completion of the proceeding phase. Any significant departure in project buildout from the phasing schedule set forth in the application shall be declared to be a substantial deviation pursuant to Chapter 380.06, Florida Statutes.

C. Environmental and Natural Resources

1. The Developer shall mitigate on a per acre basis the loss of wet prairie through the creation of additional wetlands. The mitigation plan shall be reviewed and approved by all appropriate agencies including the Hillsborough County Environmental Protection Commission prior to the destruction of existing wetland areas.

2. A representative tract of natural mixed hardwood forest shall be preserved in its natural state to serve as a conservation/recreation area. Such area shall be depicted on an amended site plan and approved by Tampa Bay Regional Planning Council.

3. The on-site tree and wetlands preservation procedures referenced in the application shall be adhered to by the Developer.

4. A tree survey of the area containing mixed hardwood forest shall be conducted by the Developer. The purpose of the tree survey is to assist in designing a detailed site plan that accommodates trees equal to or in excess of twelve inches DBH and significant clumps of trees.

D. Stormwater System/Drainage

1. The stormwater system shall be designed and constructed in accordance with the design guidelines of the Southwest Florida Water Management District, Hillsborough County, and the criteria contained on page 113 of the Stormwater and Lake Systems Maintenance and Design Guidelines (Tampa Bay Regional Planning Council, 1978). The design criteria of the system shall include the following elements:

- a. 30 to 50 percent of the surface area of the detention pond at the normal water level (NWL) should consist of a shallow vegetated littoral shelf.
- b. The littoral shelf can be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf can be established on a shallow submerged island in the middle of the pond.
- c. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- d. The littoral shelf, if located along the pond bank, should have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- e. The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerelweed, Juncus, water lilies, cypress, etc., because these species aid in nutrient and heavy metal uptake as well as enhancing the pond by providing blooming flowers and presenting a more natural appearance.
- f. A copy of an operation and maintenance schedule for the detention areas shall be prepared by the Developer and submitted to the Tampa Bay Regional Planning Council. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need for removing dead vegetation. An annual update of the operation and maintenance schedule showing compliance with its terms shall be included in the annual report.
- g. The master drainage system shall comply with the Department of Environmental Regulations Stormwater Rule, Chapter 17-25, Florida Administrative Code.

In the event that there is a conflict between any of the criteria and guidelines herein, the stricter criteria shall apply.

2. Prior to the final plat approval or detailed site plan approval if the project is not to be platted, the Developer shall submit to the Hillsborough County Environmental Protection Commission a copy of the Southwest Florida Water Management District's Stormwater Discharge Permit or Exemption.

G. Wildlife

1. In the event that any rare, endangered or threatened species are observed on-site, the Developer shall immediately institute appropriate mitigation measures to avoid harm to the species. The mitigation measures employed shall be undertaken in cooperation with the Florida Game and Freshwater Fish Commission.

H. Hazardous Waste

1. The Developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses, and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. The Developer shall provide to all GTE/Collier-64 businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers.
- b. Indicates the location of specifically-designated hazardous waste and materials containers.
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The Developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

Underground storage of hazardous, toxic or flammable materials, liquids or chemicals shall not be permitted, except that combustible and flammable liquids and liquified gas, as defined in NFPA 30, 54 and 58 to include gasoline, kerosene, petroleum, distillates, diesel fuel and liquified gas, may be stored only in underground tanks which shall be designed, installed, constructed and located to prevent seepage of contained products into surrounding sub-surface areas and which shall comply with NFPA codes, FDER Chapter 17-6 and all prevailing statutory and regulatory requirements and standards. In addition, the Developer shall install and maintain leak detectors for such underground tanks in accordance with County standards and criteria.

I. Energy

The energy conservation measures described in the application shall be instituted by the Developer.

J. Archaeological Resources

The disposition of those archaeological resources previously discovered and those located during project construction shall be determined in cooperation with the Florida Division of Archives. All identified archaeological sites shall be subjected to mitigation excavation as approved by the Division of Archives. The dis-

M. Wind and Water Caused Soil Erosion Control

The wind and water-caused soil erosion control measures referenced in the application shall be required.

N. Street Cleaning Program

The Developer shall implement a street cleaning program for the parking and roadway areas within the development, pursuant to the Area-Wide Water Quality Management Plan for the Tampa Bay Region (1978).

O. Transportation - Impact Analysis Methodology

GTE/Collier-64 will have a substantial negative impact on several regionally significant transportation facilities within the project's impact area. This section and those immediately following it are designed to identify strategies to mitigate that negative impact by requiring certain actions and contributions from the Developer. Quantification of the impact of GTE/Collier-64 on area transportation facilities is based on the following methodology. Existing traffic volumes on roadways in the impact area were determined by counting traffic on those roadways. Growth factors were then applied to determine the "existing background" traffic for each phase of GTE/Collier-326. In addition to existing background traffic, allowances were made for traffic projected to be generated by approved developments which have not been built ("proposed background" traffic). The sum of existing background traffic and the proposed background traffic was used as the basis against which traffic generated by each phase of the project was evaluated.

The Developer has modified the proposed uses within GTE/Collier-64 so the retail/commercial element, originally proposed to include seventy thousand (70,000) square feet will not exceed twenty thousand (20,000) square feet. Accordingly, the original transportation study which accompanied the ADA has been modified to reflect said alterations and the methodology recognizes that fewer trips will be generated by the modified development.

The conditions precedent to consideration of a roadway segment as an element of the total impact of the project are:

1. The project's traffic on the roadway segment must equal or exceed 5 % of the daily level of service (LOS)-C, or peak hour LOS-D, capacity of the existing roadway; and
2. GTE/Collier-64 traffic, plus the total background traffic on the roadway segment, must result in a reduction of the level of service on the existing road segment to LOS-D or worse on a daily basis or LOS-E or worse at peak hours.

measure. Moreover, the County may monitor the efficacy of the Developer's TSM plan. If an annual report is not submitted or if the report or the County monitoring data indicates that the total peak hour trip reductions do not reach ten percent (10%) for Phase I and a minimum of seven percent (7%) for each of Phases II and III, the County shall:

1. Conduct a substantial deviation determination; and
2. Amend the Order to change TSM objectives; and/or
3. Require additional roadway improvements or assess the Developer for additional contributions for roadway improvements before any building permits will be issued for the subsequent Project Phase(s).

To assure that the transportation impacts of GTE/Collier-64 have been accurately projected in the amended ADA, surveys shall be taken every year after certificates of occupancy for seventy five thousand (75,000) square feet of office space, or the equivalent thereof in terms of trip generation, have been issued. Said survey shall specifically address the level of service and funding commitments for Fowler Avenue between I-75 and 56th Street. The results of these surveys shall be included in the Developer's required annual report and the Developer's contributions and the conditions of this order shall be adjusted as a result of said surveys; provided, however, that said adjustments shall not exceed the contribution set forth hereinbelow.

Q. Contributions

1. The Developer's fair share, allowing a ten percent (10%) credit for TSM reductions in Phase I, as well as credit for TSM reductions to a minimum total of seven percent (7%) for each subsequent phase, is \$839,553 as set forth in Exhibit C, attached hereto and incorporated by reference. This amount is assessed as follows:

Phase I	\$281,342
Phase II	360,002
Phase III	198,209

2. If the Developer fails to gain through TSM, the reductions projected for any or all of said phases, the Developer's contribution for GTE/Collier-64 is \$1,008,273, as set forth in Exhibit B, assessed as follows:

Phase I	\$349,026
Phase II	421,063
Phase III	238,184

3. The Developer shall have the option, with each Project Phase, to contribute the amount of money specified as its fair share of the construction costs and/or of constructing the improvements listed below. The amount of credit for

construction costs incurred by the Developer shall be as specified in Exhibits B or C attached hereto and by reference made a part hereof. For any of the identified transportation improvements that the Developer constructs, the Developer shall be credited with the amount specified in Exhibits B or C attached hereto as the construction cost for said improvements and said credit shall be applied against the Developer's contribution for the subsequent Project Phase. All off-site construction of County roads and streets shall comply with Florida Department of Transportation (FDOT) or County standards relating to roadway design and construction as of the date that construction is initiated.

4. Within thirty (30) days after the effective date of this Order, the Developer shall dedicate to Hillsborough County sufficient right-of-way along the eastern side of the project along Morris Bridge Road, to provide for a one hundred eighteen (118') foot total right-of-way as measured from the Florida Department of Transportation limited access line. The County shall thereafter maintain the dedicated Morris Bridge Road right-of-way. The credit to the Developer for the subject additional dedicated road right-of-way shall be calculated at seventy-six thousand two hundred dollars (\$76,200) per acre, which shall be applied against the Developer's Phase I contribution.

5. Prior to issuance of any building permits for Project Phase I, the Developer shall pay the County One Hundred Thousand Dollars (\$100,000.00) for a County transportation study unless the Developer has contributed \$100,000.00 toward this study for DRI #116. The study shall be commenced by May 18, 1985 and shall be conducted for the North I-75 Corridor area in cooperation with the FDOT, TBRPC, the City of Temple Terrace, Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO") and other developers in the study area by the County. Said funds shall be a credit against the Developer's fair share contribution. The parameters of the study shall consider all approved developments in the area, including previously approved DRIs and projected development. The study shall include, but not be limited to:

- a. The regionally significant roadways, which shall be included in the focus of the study, as well as identification of additional roadways to be constructed within the study area.
- b. Consideration of existing, approved and projected development.
- c. A description of the manner by which the traffic impact of existing development will be documented.
- d. A description of the manner by which the traffic impact of approved and projected development will be assessed.

- e. The degree to which mass transit can serve as a viable alternative to alleviate overburdening of the roadways.
- f. Identification of specific construction implementation goals, such as right-of-way acquisition and implementation of additional north/south and east/west corridors designed to coincide with transportation improvement needs generated by each phase completion for projects approved within the study area.
- g. Funding commitments for the improvements identified.

6. Option 1

Under current conditions, and assuming that the Developer shall effectively implement TSM measures as specified above and that the change in square footage of retail use is accomplished as described above, the following transportation improvements are necessary to mitigate the impact of GTE/Collier-64.

Phase I:

- 1. Improve 15th Street/Fletcher Avenue intersection as follows: add one northbound-to-westbound left turn lane; add one southbound-to-eastbound left turn lane; add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 6.5 percent of the summation of critical movements of LOS D, peak hour.
- 2. Improve 22nd Street/Fletcher Avenue intersection as follows: add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 6.6 percent of the summation of critical movements of LOS D, peak hour.
- 3. Improve Bruce B. Downs/Fletcher Avenue intersection as follows: add one northbound-to-eastbound right turn lane; add one southbound-to-westbound right turn lane; add one westbound-to-northbound right turn lane; add two northbound and two southbound through lanes; add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 15.8 percent of the summation of critical movements of LOS D, peak hour.
- 4. Improve 56th Street/Fletcher Avenue intersection as follows: signalize.
- 5. Increase the capacity of Fletcher Avenue between Bruce B. Downs Blvd. and 56th Street by constructing one additional eastbound and one additional westbound

- lane. GTE/Collier-64 will contribute 7.1 percent to the LOS D service volume during the peak hour.
6. Increase the capacity of Fletcher Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 16.9 percent to the LOS D service volume during the peak hour.
 7. Increase the capacity of Fowler Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 15.6 percent to the LOS D service volume during the peak hour.
 8. Increase the capacity of Fletcher Avenue between I-275 and Bruce B. Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 15.6 percent of the service volume of LOS D during the peak hour.

Phase II:

1. Improve the I-275/Fletcher Avenue intersection as follows: add one westbound and one eastbound through lane. GTE/Collier-64 will contribute 6.8 percent of the summation of critical movements of LOS D during the peak hour.
2. Improve the Nebraska Avenue/Fletcher Avenue intersection as follows: add one northbound and one southbound through lane; add one southbound-to-westbound right turn lane; add one eastbound and one westbound through lane; add one eastbound-to-northbound left turn lane. GTE/Collier-64 will contribute 8.0 percent of the summation of critical movements of LOS D during the peak hour.
3. Improve the Bruce B. Downs Boulevard/Fletcher Avenue intersection as follows: add one eastbound-to-northbound left turn lane; add one westbound through lane; add one westbound-to-southbound left turn lane. GTE/Collier-64 will contribute 7.0 percent of the

summation of critical movements of LOS D, during the peak hour.

4. Improve the 56th Street/Fletcher Avenue intersection as follows: add one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 13.4 percent of the summation of critical movements of LOS D, during the peak hour.
5. Improve the Morris Bridge Road/Fowler Avenue intersection as follows: add one additional eastbound and one additional westbound through lane; add one eastbound-to-southbound right turn lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 82.1 percent of the summation of critical movements of LOS D during the peak hour.
6. Improve the capacity of Morris Bridge Road from 127th Avenue to Fowler Avenue by constructing one northbound and one southbound lane. GTE/Collier-64 will contribute 37.6 percent of the LOS D service volume during the peak hour.
7. Improve the capacity of Fletcher Avenue between I-275 to Bruce B. Downs Blvd. by constructing one additional eastbound and one additional westbound through lane. GTE/Collier-64 will contribute 12.6 percent of the LOS D service volume during the peak hour.
8. Improve the capacity of Fletcher Avenue between Bruce B. Downs Boulevard to 56th Street by constructing one additional eastbound and one additional westbound through lane. GTE/Collier-64 will contribute 13.6 percent of the LOS D service volume during the peak hour.
9. Improve the capacity of Fletcher Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound through lane. GTE/Collier-64 will contribute 13.6 percent of the service volume of LOS D during the peak hour.

Phase III:

1. Improve the I-275/Fletcher Avenue intersection as

follows: Add one eastbound and one westbound through lane. GTE/Collier-64 will contribute 6.7 percent of the summation of critical movements of LOS D during the peak hour.

2. Improve the Nebraska Avenue/Fletcher Avenue intersection as follows: Add one northbound-to-eastbound right turn lane; add one eastbound-to-southbound right turn lane; add one westbound-to-northbound right turn lane; add one westbound-to-southbound left turn lane. GTE/Collier-64 will contribute 7.7 percent of the summation of critical movements of LOS D during the peak hour.
3. Improve the 15th Street/Fletcher Avenue intersection as follows: add one eastbound-to-southbound right turn lane; add one additional eastbound and one additional westbound through lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 9.4 percent of the summation of critical movements of LOS D during the peak hour.
4. Improve the 22nd Street/Fletcher Avenue intersection as follows: add one additional eastbound and one westbound through lane. GTE/Collier-64 will contribute 10.6 percent of the summation of critical movements of LOS D during the peak hour.
5. Improve the Bruce B. Downs Boulevard/Fletcher Avenue intersection as follows: add one northbound-to-westbound left turn lane; add one southbound-to-eastbound left turn lane; add one eastbound through lane; add one westbound-to-northbound right turn lane. GTE/Collier-64 will contribute 7.5 percent of the summation of critical movements of LOS D during the peak hour.
6. Improve the 56th Street/Fowler Avenue intersection as follows: add one additional eastbound and one additional westbound through lane. GTE/Collier-64 will contribute 6.2 percent of the summation of critical movements of LOS D during the peak hour.

7. Improve the Morris Bridge Road/Fowler Avenue intersection as follows: add one southbound-to-eastbound left turn lane; add one additional eastbound and one additional westbound through lane; add one eastbound-to-northbound left turn lane. GTE/Collier-64 will contribute 53.1 percent of the summation of critical movements of LOS D during the peak hour.
8. Improve the capacity of Morris Bridge Road from 127th Avenue to Fowler Avenue by constructing one additional northbound and one additional southbound lane. GTE/Collier-64 will contribute 51.1 percent of the service volume of LOS D during the peak hour.
9. Improve the capacity of Fletcher Avenue between I-275 and Bruce B. Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 17.1 percent of the service volume of LOS D during the peak hour.
10. Improve the capacity of Fletcher Avenue between Bruce B. Downs Boulevard and 56th Street by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 18.4 percent of the service volume of LOS D during the peak hour.
11. Improve the capacity of Fowler Avenue between I-275 and Bruce B. Downs Boulevard by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 9.4 percent of the service volume of LOS D during the peak hour.
12. Improve the capacity of Fowler Avenue between Bruce B. Downs Boulevard and 56th Street by constructing one additional eastbound and one additional westbound lane. GTE/Collier-64 will contribute 11.6 percent of the service volume of LOS D during the peak hour.
13. Improve the capacity of Fowler Avenue between 56th Street and I-75 by constructing one additional eastbound and one additional westbound lane.

GTE/Collier-64 will contribute 16.7 percent of the service volume of LOS D during the peak hour.

14. Improve the capacity of US 301 from Thonotosassa Road (CR 579) to Fowler Avenue by constructing one additional northbound and one additional southbound lane. GTE/Collier-64 will contribute 5.9 percent of the service volume of LOS D during the peak hour.

7. The Developer's fair share for said roadway improvements for GTE/Collier-64 shall be as is specified in Exhibits B or C which are attached hereto and by reference made a part hereof.

R. Option 2

Because commitments for transportation improvements are adequate to permit only partial approval of Phase I of GTE/Collier-64, the capacity and loading of transportation facilities in the GTE/Collier-64 transportation area, including but not limited to the regional roadways and intersections referenced above, shall be limiting factors on any subsequent approvals or permits. Accordingly, prior to issuance of any building permit for any Project Phase after Phase I, the Developer shall generate and provide the City of Tampa, the County, MPO and TBRPC with updated current traffic counts on the roadways designated above for the existing Project Phase(s) and the next subsequent phase projections of traffic volumes that will result from the completion of the currently approved project construction, plus that to be generated by the next Project Phase for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis findings (referenced in "Contributions" above) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the regional roadways at a satisfactory level of service, daily LOS-C, or LOS-D at peak hours. Both the traffic counts and the projection of traffic volume shall be prepared and reviewed consistent with generally accepted traffic engineering practices, the ADA and Section 380.06, Florida Statutes.

If said traffic analysis fails to assure that the roadways included in the analysis are operating at or above an average daily LOS-C, or LOS-D at peak hours, and that the expected trips to be generated by the next Project Phase would cause the roadways to operate at an LOS worse than average daily LOS-C, or LOS-D at peak hours, the Order shall be amended to require the identified alternate transportation improvements and mechanisms or require the Developer to extend development of the next Project Phase for a period of up to three (3) years; as appropriate or necessary to cure and mitigate the adverse transportation impacts of the development phase under

consideration. If said traffic analysis assures that the identified roadways will continue to operate at or above an average daily LOS-C, or LOS-D at peak hour, through the next Project Phase, the Developer shall be permitted to commence construction of the next Project Phase in accordance with the schedule established in Paragraph B above, subject to the requirement that the Developer shall provide traffic analyses for each subsequent Project Phase in accordance with the terms and conditions established above as to each such phase. To discharge its responsibility to mitigate its proportionate share of the negative transportation impact of the project, the Developer shall pay the County the assessed contribution for each Project Phase before the first certificate of occupancy will be issued for the first building for said phase.

The County agrees to utilize the Developer's contributions for the specified purposes put out in the contribution plan shown in Exhibits B or C, agreed to by the County and the Developer, pursuant to the terms contained herein. The County shall award contracts for construction of the improvements identified above and referred to in Exhibits B or C, attached hereto and by reference made a part hereof upon receipt of contributions or impact fees from the Developer and from other development projects in the area which equal, in the aggregate, when coupled with funds received from other sources and funds allocated in the County transportation improvements programs, the cost of those improvements. On joint stipulation of both parties, the County and TBRPC may modify the above-referenced list of improvements, based on subsequent TSM measures and transportation studies.

S. In the event that TBRPC revises its threshold criteria for level of service or for GTE/Collier-64 traffic and the County concurs with such revision, then the improvements identified in this Order which exceed those thresholds will be added as conditions of this Order and those thresholds shall be eliminated. In the event that the above-described revision necessitates a modification to the Developer's proportionate share, said modification shall take place at the time of the actual revision and shall not have a retroactive effect.

T. The Developer shall construct and maintain signage and traffic control devices within GTE/Collier-64 and shall construct all roads within GTE/Collier-64 in accordance with County design criteria and standards and subject to County inspection and approval prior to acceptance. All roads within GTE/Collier-64 shall be dedicated to the County. The Developer shall receive no credit against the transportation improvement contributions referred to hereinabove for roadway improvements or construction within GTE/Collier-64, for any access point thereto or for any road or street improvements which the County deems to be ordinary costs of development.

U. At its own expense, the Developer shall provide bus shelters, bus turnouts and information signs on or adjacent to GTE/Collier-64 and shall assume the following responsibilities, which shall not be considered part of the Developer's proportionate share contribution for transportation improvements as described hereinabove:

1. The Developer shall design and construct all access and internal road geometrics to accommodate a ninety-six (96") inch wide by forth (40') foot long advance design transit coach.

2. The Developer shall provide shelters and pull-out bays along the on-site transit route at County-approved shelter locations, which shall be reasonable and accessible via walkways/cross-walks for pedestrian movement to and from buildings. County-approved area lighting and signage will be placed by the Developer at all shelter sites and bus stops.

3. The Developer shall provide at least one transit schedule/information display area at each bus stop/shelter.

4. Maintenance of transit amenities shall be the responsibility of the Developer.

5. Details, standards and phasing of all transit amenity provisions must be approved by HART and the City.

V. If the County transportation study establishes that certain of the improvements referred to hereinabove should no longer be considered as a factor in determination of the Developer's proportionate contribution because the specific roadway link or intersection does not satisfy the conditions precedent to requirement for an improvement to be made, and if the County concurs in the result of study, or if the GTE/Collier-64 is determined by TBRPC to be located within a regional activity center, then the Developer's proportionate share contribution for GTE/Collier-64 shall be adjusted accordingly. The transportation phase of the study referred to in IV(A) above shall be commenced by May 18, 1985 and submitted to the Tampa Bay Regional Planning Council no later than December 31, 1985. Upon receipt, the Council shall evaluate, based upon the results of the study and other pertinent information available to it, whether the GTE/Collier-64 property should be designated as part of a regional activity center. If the Regional Planning Council designates GTE/Collier-64 as part of a regional activity center and the Board of County Commissioners approves this designation, adjustments to the Developer's proportionate share contribution for GTE/Collier-64 shall be calculated as follows:

1. At the time an adjustment is requested, the cost of construction of the improvements shall be recalculated based on the then-projected construction costs (the "Revised Construction Costs").

3. The sum of the individual Revised Proportionate Shares as calculated above shall be the Developer's adjusted contribution; provided, however, that, that in no event, shall the adjusted contribution exceed the amounts referenced hereinabove.

X. If the County adopts a transportation impact fee ordinance, and if TBRPC finds that the impact fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier-64, the impact fee ordinance would regulate the Developer's contribution of required transportation improvements. Additionally, the requirements of transportation improvements of Section Q (Contributions) which are not governed by the impact fee ordinance shall be contributed by the Developer and the timing of improvements and the roadways requiring improvements shall remain the same as listed in Section Q (Contributions). If the impact fee ordinance is not adopted by the Board of County Commissioners or if TBRPC does not find that the impact fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier-64, then the transportation improvements listed in Section Q (Contributions) shall be required. If the impact fee ordinance is applicable, the Developer shall pay the County impact fees; provided, however, that:

1. The Developer shall be given credit against those impact fees imposed by the County ordinance for applicable costs expended in constructing improvements under the contractual obligations referenced herein, and

2. The Developer shall be given credit against those impact fees imposed by County ordinance for other contributions made for other phases pursuant to the terms of the contribution plan described herein; and

3. In the event that any entity other than FDOT, the County, or some other private party or Developer should allocate funds in an approved transportation improvement program to cover the costs of construction for one or more of the improvements identified above and the costs of these program improvements was included in the calculation of the Developer's impact fee, then the Developer's impact fee shall be reduced by an amount representing its proportionate amount of the fee attributable to said improvements.

Y. This Order shall remain in effect for a period of fifteen (15) years from the effective date hereof. Any development activity wherein plans have been submitted to the County for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the Board of

LINK	TO	FROM	EXIST LANES	PROP LANES	LENGTH (FEET)	EXIST R/W	PROP R/W	AREA (AC)	COST (AC)	ACT R/W COST	CONST (LN/MI)	STRUCT COST	TOTAL COST

FLETCHER	56TH ST	I-75	2	6	13200	100	200	30.30	76200	2309090	450000	882000	7691090
FLETCHER	30TH ST	56TH ST	4	8	10560	150	200	12.12	76200	923636	450000		4523636
FLETCHER	I-275	30TH ST	4	8	9260	85	142	12.11	174200	2110795	450000		5267613

FOWLER	50TH ST	56TH ST	4	6	2640	0	0	0.00		0	800000		800000
FOWLER	30TH ST	50TH ST	4	6	7920	0	0	0.00		0	800000		2400000
FOWLER	I-75	56TH ST	4	6	13200	0	0	0.00		0	800000		4000000

I-275	BUSCH	FOWLER	4	8	7920	0	0	0.00	0	0	1800000		18000000

NEBRASKA	FLETCHER	BEARSS	2	4	6795	80	94	2.18	174200	380432	1000000		2954296

MORRIS BR	FOWLER	127TH AV	2	6	2640	80	118	2.30	76200	175490	340000		855490

US 301	SR579	FOWLER	2	4	11420	0	0	0.00	76200	0	332500		1438314

40730442

LINK	TO	FROM	EX CAP LOS 'C'	FUT CAP LOS 'C'	PROJ DISTRIB	TOTAL DEV ADT	DEV % EXIST	DEV % COST	TOTAL DEV CST	1986 DEV CST	1989 DEV CST	1992 DEV CST	

FLETCHER	56TH ST	I-75	11800	42700	20.6	1787	15.14	4.18	321993	111462	134466	76064	1986 ADT
FLETCHER	30TH ST	56TH ST	27900	55200	21.6	1874	6.71	3.39	153610	53174	64149	36287	3004
FLETCHER	I-275	30TH ST	27900	55200	21	1822	6.53	3.30	173905	60199	72624	41081	
													1989 ADT
FOWLER	50TH ST	56TH ST	27900	42700	16.2	1405	5.03	3.29	26338	9117	10999	6222	6628
FOWLER	30TH ST	50TH ST	27900	42700	16.2	1405	5.03	3.29	79016	27352	32997	18666	
FOWLER	I-75	56TH ST	27900	42700	20.5	1778	6.37	4.16	166650	57688	69594	39367	1992 ADT
													8678

I-275	BUSCH	FOWLER	57000	114000	18.6	1614	2.83	1.41	0	0	0	0	

NEBRASKA	FLETCHER	BEARSS	11800	27900	3.1	269	2.27	.96	0	0	0	0	

MORRIS BR	FOWLER	127TH AV	11800	42700	49.9	4330	36.69	10.14	86757	30032	36230	20494	

US 301	SR579	FOWLER	11800	27900	3.1	269	2.27	.96	0	0	0	0	

1008273 349026 421062 230183

TOTAL DEV R/W COST 215519

GTE/64 (ADT W/ADJ LAND USE) 5%

04/04/85

B

LINK	TO	FROM	EXIST LANES	PROP LANES	LENGTH (FEET)	EXIST R/W	PROP R/W	AREA (AC)	COST (AC)	ACT R/W COST	CONST (LN/MI)	STRUCT COST	TOTAL COST

FLETCHER	56TH ST	I-75	2	6	13200	100	200	30.30	76200	2309090	450000	882000	7691090
FLETCHER	30TH ST	56TH ST	4	8	10560	150	200	12.12	76200	923636	450000		4523636
FLETCHER	I-275	30TH ST	4	8	9260	85	142	12.11	174200	2110795	450000		5267613

FOWLER	50TH ST	56TH ST	4	6	2640	0	0	0.00		0	800000		800000
FOWLER	30TH ST	50TH ST	4	6	7920	0	0	0.00		0	800000		2400000
FOWLER	I-75	56TH ST	4	6	13200	0	0	0.00		0	800000		4000000

I-275	BUSCH	FOWLER	4	8	7920	0	0	0.00	0	0	1800000		10800000

NEBRASKA	FLETCHER	BEARSS	2	4	6795	80	94	2.18	174200	380432	1000000		2954296

MORRIS BR	FOWLER	127TH AV	2	6	2640	80	118	2.30	76200	175490	340000		855490

S 301	SR579	FOWLER	2	4	11420	0	0	0.00	76200	0	332500		1438314

													40730442

LINK	TO	FROM	EX CAP LOS 'C'	FUT CAP LOS 'C'	PROJ DISTRIB	TOTAL DEV ADT	DEV % EXIST	DEV % COST	TOTAL DEV CST	1986 DEV CST	1989 DEV CST	1992 DEV CST	

FLETCHER	56TH ST	I-75	11800	42700	20.6	1662	14.08	3.89	299396	100330	128381	70604	1986 ADT
FLETCHER	30TH ST	56TH ST	27900	55200	21.6	1742	6.24	3.15	142830	47864	61246	33720	2704
FLETCHER	I-275	30TH ST	27900	55200	21	1694	6.07	3.06	161701	54187	69337	38175	
													1989 ADT
FOWLER	50TH ST	56TH ST	27900	42700	16.2	1307	4.68	3.06	0	0	0	0	6164
FOWLER	30TH ST	50TH ST	27900	42700	16.2	1307	4.68	3.06	0	0	0	0	
FOWLER	I-75	56TH ST	27900	42700	20.5	1654	5.92	3.87	154955	51926	66444	36583	1992 ADT
													8069
I-275	BUSCH	FOWLER	57000	114000	18.6	1500	2.63	1.31	0	0	0	0	

NEBRASKA	FLETCHER	BEARSS	11800	27900	3.1	250	2.11	.89	0	0	0	0	

MORRIS BR	FOWLER	127TH AV	11800	42700	49.9	4026	34.12	9.42	80669	27033	34591	19045	

S 301	SR579	FOWLER	11800	27900	3.1	250	2.11	.89	0	0	0	0	

										839553	281342	360001	198209
													TOTAL DEV R/W COST 280394

GTE/64 (ADT W/ADJ LAND USE) 5% W / TSM

04/04/85

Resolution No. R 90-0027

DRI #114 DEVELOPMENT ORDER AMENDMENT
GTER/COLLIER

Upon motion of Commissioner Colson, seconded by Commissioner Padgett, the following Resolution was adopted on this 23rd day of January, 1990.

WHEREAS, on April 30, 1985, the Board of County Commissioners approved a Development Order, Resolution No. R85-0072, for the GTE/COLLIER-64 Development of Regional Impact (DRI) #114 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 9, 1985, an amendment to the Development Order regarding dedication of right-of-way was approved by Resolution of the Board of County Commissioners, Resolution #R85-0125; and

WHEREAS, on May 23, 1989, a second amendment to the Development Order regarding the combination of project phases into a single phase and a transportation update for the Development in accordance with the terms and conditions of the Development Order was approved by Resolution of the Board of County Commissioners, Resolution No. R89-0119 (hereinafter the April 30, 1985 Development Order as amended by the July 9, 1985 Resolution, and as amended by the May 23, 1989 Resolution, shall together be referred to as the "Development Order"); and

WHEREAS, on December 14, 1989, GTER/Collier Joint Venture and SSB Realty, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the GTE/COLLIER-64 DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the date of buildout of the Development by less than three (3) years, as more particularly stated in the Notice of Change; and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that a proposed change which involves an extension of the date of buildout of a development or, any phase thereof, by less than three (3) years is not a substantial deviation and is not subject to a public hearing pursuant to subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to subparagraph 380.06(19)(f)5., Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following findings of fact are made:

a. GTER/Collier Joint Venture and SSB Realty, Inc. submitted to Hillsborough County the Notice of Change, which is attached hereto as Exhibit 1 and incorporated herein, which requested an extension of the date of buildout of the Development by two (2) years, eleven (11) months and fifteen (15) days (the "Proposed Change").

b. In accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.