

116



November 28, 2016

Ms. Barbara Deakin  
Deakin Property Services, Inc.  
2909 W. Bay to Bay Boulevard  
Tampa, FL 33629

RE: Telecom Park DRI #116 - Request for 2 years and 194 days extension for Build Out and Development Order Expiration dates pursuant to Section 252.363, F. S. and 4 Executive Order Emergency Declarations

Dear Ms. Deakin:

This letter is to acknowledge that on November 3, 2016, the Community Development Department received your request to extend the buildout and expiration dates for the above DRI by two years and one hundred and ninety four days pursuant to Section 252.363, F. S. and the four Executive Order Emergency Declarations you outlined in your request letter.

The new buildout date for Telecom Park Development of Regional Impact #116 is July 12, 2020 and the expiration date is July 13, 2022.

Please do not hesitate to contact me at 813-506-6480 if I can be of further assistance.

Sincerely,

Lorraine Lyn  
Senior Planner

cc: Brenda Winningham, Florida Department of Economic Development  
John Meyer, Tampa Bay Regional Planning Council  
Charles W. Stephenson, Temple Terrace City Manager

EXEC. ORDERS NOS.: 16-136 (TROP. STORM COLIN)  
16-205 (TROP. DEPRESSION #9)  
16-230 (HURRICANE MATTHEW)  
16-149, 16-193 + 16-233  
(ZIKA VIRUS)

#116

## John Meyer

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**From:** Lyn, Lorraine <LLyn@templeterrace.com>  
**Sent:** Monday, July 21, 2014 2:21 PM  
**To:** John Meyer  
**Subject:** Tampa Telecom Park Turnover Agreement  
**Attachments:** TelecomCloseAgreemt.pdf

Hi John,

Here is a copy of the aforementioned document for your records on DRI #116. I will check to see if this document is acceptable for the change of "developer of record"

Thanks,

Lorraine Lyn  
Senior Planner  
City of Temple Terrace  
(813) 506-6480  
[llyn@templeterrace.com](mailto:llyn@templeterrace.com)





Prepared by/Return to:  
Michael E. Botos, PA.  
Edwards Angell Palmer & Dodge LLP  
One North Clematis Street, Suite 400  
West Palm Beach, FL 33401

## TAMPA TELECOM PARK TURNOVER AGREEMENT

THIS TURNOVER AGREEMENT (the "Agreement") is entered into as of the 18<sup>th</sup> day of September, 2008 (the "Effective Date") by and between COLLIER-GTER JOINT VENTURE, a Florida joint venture ("Collier-GTER") and TAMPA TELECOM PARK OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation ("Association").

### WITNESSETH:

WHEREAS, Collier-GTER is the initial developer of the property identified in the Declaration of Covenants, Conditions and Restrictions of Tampa Telecom Park recorded in Official Record Book 4588, Page 1436 of the Public Records of Hillsborough County, Florida (the "Declaration"); and

WHEREAS, the Association was formed pursuant to the Association's Articles of Incorporation dated the 26th day of June, 1985 (the "Articles") for the purposes stated in the Declaration and the Articles; and

WHEREAS, Collier-GTER and the Association wish to memorialize the turnover of the Park from Collier-GTER to the Association as provided for in the Declaration and the Development Order (hereafter defined).

NOW, THEREFORE, for and in consideration of the mutual covenants recited herein, as well as other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Collier-GTER and the Association, the parties agree as follows:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Defined Terms. Terms not specifically defined herein shall have the meaning ascribed to them in the Declaration.
3. Development Order. The Developer and the Association acknowledge that the development and operation of the Park is subject to the Development Order pursuant to Ordinance Number 544, adopted March 29, 1985, by the City of Temple Terrace, Florida (as amended, the "Development Order"), a copy of which, together with the amendments to the Development Order reflected in Ordinances 585, 600, 682, 717, 821, 1001, 1133, 1150, 1162, 1187, 1201 and 1206, City of Temple Terrace, are attached hereto as Exhibit A.

4. Traffic Signal. Collier-GTER represents to the Association that as of the Effective Date:

(a) all work on the traffic signal constructed at the intersection of Fletcher Avenue and Telecom Drive (the "Signal") required by the Development Order has been completed, that the Signal is operational, that the Signal has been accepted by Hillsborough County, Florida, that the cost for the construction of the Signal has been paid in full by Collier-GTER, and that the Association is not obligated to contribute to the cost of constructing the Signal; and

(b) to the best of Developer's knowledge, Developer has complied in all material respects with the terms of the Development Order.

5. Initial Turnover. On January 1, 2007 (the "Initial Turnover Date") Collier-GTER delivered to the Association a copy of the Declaration, Articles, Association By-Laws, Association financial records, Association monies, Association insurance policies and a roster of owners within the Park, all of which were accepted by the Association.

6. Assumption of Management, Operation and Maintenance. The Association acknowledges that on and after the Initial Turnover Date, the Association assumed Collier-GTER's obligation as Developer for the management, operation and maintenance of the Park pursuant to the Declaration, including the maintenance of the Park's surface water management system (the "System") and compliance with the Southwest Florida Water Management District's (the "District") Environmental Resource Permit No. 49000390.043 (the "Permit"). The Association agrees to indemnify and hold Collier-GTER harmless against any claims arising from the violation of the terms of the Permit occurring on or after the Initial Turnover Date.

7. Assumption of Development Order. The Association, as of the Effective Date, agrees to assume the obligations of Developer under the Development Order for the management, operation and maintenance of the Park, and agrees to abide by and comply with each of the terms and conditions contained therein, including, but not limited to, the filing of an annual DRI report pursuant to Section 4. J. of the Development Order. The Association represents that it filed the DRI report required by the Development Order for the reporting period March 29, 2006 to March 29, 2007.

8. Surface Water Management System. The Association conducted a certification of the System, and the Association's consultant has certified to the District that the System complies with the requirements of the Permit. The Association hereby confirms that the Association assumed responsibility for the maintenance of the System as of the Initial Turnover Date.

9. Responsibility. The intent of this Agreement is for the Association to assume full and complete operation and management of the Park as the Developer on and after the Effective Date of this Agreement, and, except as provided in the last sentence below, for Collier-GTER to not have any further responsibility or obligation for the operation or maintenance of the Park on and after the Effective Date of this Agreement. The parties agree to execute such additional documentation as reasonably requested by either party to accomplish the foregoing purpose.

Provided, however, Collier-GTER is not released from its foregoing obligations and responsibilities that should have been fulfilled prior to the Effective Date, and the Association may retain all legal rights to make claims against Collier-GTER to the extent such obligations and responsibilities have not been fulfilled.

10. Representations, Warranties and Covenants of Collier-GTER and the Association. Each of Collier-GTER partners and the Association, jointly and severally, represent, warrant and covenant that as of the Effective Date:

(a) Each of the organizations executing this Agreement is validly existing and in good standing under the laws of the State of its formation, with the power and authority to conduct the business it presently conducts pursuant to their respective documents of formation and operation ("Governing Documents").

(b) The execution, delivery and performance of this Agreement and all related agreements and other documents required to be delivered hereunder and the transactions contemplated by this Agreement, have been duly and validly authorized by all necessary action on the part of each of the respective parties, and will not violate any law, government rule or regulation, or result in a default under any agreement, contract or other documents to which that party is bound, including, but not limited to, the Governing Documents. This Agreement and all related agreements and other documents required to be delivered hereunder, when delivered will be validly and legally binding upon the party delivering said documents and agreements, and enforceable in accordance with its terms.

(c) Collier-GTER hereby represents, warrants and covenants to the Association that the officers of its partners have the power and authority to enter into this Agreement and to bind Collier-GTER and its partners, and that all necessary actions, notices and meetings shall have occurred prior to the Effective Date of this Agreement relative to its validity and enforceability and as an inducement for the Association to enter into this Agreement represent all such actions have been taken under the governing laws, rules and regulations by the officers and directors of the partners of Collier-GTER to assure the Agreement's validity and enforceability. Collier-GTER hereby agrees to indemnify, hold harmless and defend each and all of the Association entities, their respective officers, directors, employees and agents in the event of any claim, action, demand or liability relative to the enforceability of this Agreement and any provision thereof.

(d) The Association hereby represents, warrants and covenants to Collier-GTER that the Board of Directors has the power and authority to enter into this Agreement and to bind the Association and its members and that all necessary actions, notices and meetings shall have occurred prior to the Effective Date of this Agreement relative to its validity and enforceability and as an inducement for Collier-GTER to enter into this Agreement represents that all such actions have been taken under Florida Statutes Chapter 617 and other governing laws, rules and regulations to assure the Agreement's validity and enforceability. The Association hereby agrees to indemnify,

hold harmless and defend each and all of Collier-GTER entities, their respective officers, directors, employees and agents in the event of any claim, action, demand or liability relative to the enforceability of this Agreement and any provision thereof.

(e) The Association hereby represents, warrants and covenants to Collier-GTER that neither the Association, nor any of its officers, directors, its management company, or any person or entity acting on behalf of the Association, are aware of any default or unsatisfied obligation of Collier-GTER under the terms of the Development Order or the Declaration.

11. Notices. Notices to Collier-GTER and the Association shall be deemed received (i) if delivered in person; (ii) one (1) business day following delivery to an express delivery courier, such as FedEx, or (iii) three (3) days following deposit in U.S. mail, certified, return receipt requested to the respective address listed below:

If to Collier-GTER, all Collier-GTER entities:

Collier-GTER Joint Venture  
3003 Tamiami Trail North  
Naples, Florida 34103  
Attention: Patrick Utter

If to the Association:

Tampa Telecom Park Owners Association, Inc.  
Attention: Peter Shatz-President  
2700-178 Summer Blvd.  
Raleigh, NC 27616

Cherri Rantz-Secretary/Treasurer  
13020 Telecom Parkway North  
Tampa, Florida 33637-0925

Randy Simmons, Board Member  
14025 Riveredge Drive, Suite 550  
Tampa, Florida 33637

Robert R. Horton-Property Manager  
301 S. New York Avenue, Suite 200  
Winter Park, FL 32789

12. Prior Agreements. This Agreement and all Exhibits hereto constitute the entire agreement of the parties with respect to the subject matter hereof and supersedes any and all other agreements and understandings, either oral or in writing, between the parties hereto with respect to this subject matter.

13. Additional Acts. Each party hereby agrees to perform any further acts and to execute any further documents which may be reasonable and necessary to carry out the provisions of this Agreement.

14. Governing Law. This Agreement shall be interpreted, construed and enforced in accordance with the laws of the State of Florida, applied without giving effect to any conflicts-of-laws principles.

15. Captions. The captions or headings in this Agreement are made for convenience and general reference only and shall not be construed to describe, define or limit the scope of intent of the provisions of this Agreement.

16. Severability. The provisions of this Agreement shall be severable, and if any provision shall be determined to be invalid, void or unenforceable in whole or in part for any reason by a court of competent jurisdiction, the remainder of this Agreement shall be deemed to be enforceable to the maximum extent permitted by law.

17. Modifications. This Agreement may not be changed or terminated orally, but may only be changed by an agreement in writing signed by a duly authorized officer of all parties hereto.

18. No Rule of Construction. The parties acknowledge that this Agreement was initially prepared by Collier-GTER solely as a convenience and that all parties and their counsel have read and fully negotiated all the language used in this Agreement. The parties acknowledge and agree that because all parties and their counsel participated in negotiating and drafting this Agreement, no rule of construction shall apply to this Agreement which construes any language, whether ambiguous, unclear or otherwise, in favor of, or against any party by reason of that party's role in drafting this Agreement.

19. Counterparts. This Agreement may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument.

20. Binding Effect. This Agreement shall be binding on and shall inure to the benefit of the parties hereto, and their successors and assigns. Subject to the foregoing sentence, no person not a party hereto shall have any right under or by virtue of this Agreement.

21. Default. Should either party be declared in default under the terms of this Agreement, the non-defaulting party shall be entitled to seek all available legal and equitable remedies against the defaulting party as recognized under Florida law.

22. Attorney's Fees. In connection with any litigation or other enforcement action arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

[remainder of page intentionally left blank]

[signatures on following page]

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date written below.

Signed, sealed and delivered  
in the presence of:

Witness

Print Name: Robert Breder

Witness

Print Name: Connie Santagada

Witness

Print Name: Ruth M. Alter

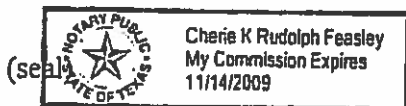
Witness

Print Name:

STATE OF TEXAS

COUNTY OF Tarrant

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of August, 2008 by Harold B. Alter, the Manager - Real Estate of COLLIER-FLETCHER, INC., a Florida corporation, partner of COLLIER-GTER JOINT VENTURE, a Florida joint venture, who is ☒ personally known to me, or who has ☐ produced as identification.



COLLIER-GTER:

COLLIER-GTER JOINT VENTURE, a  
Florida partnership, by its partners:

COLLIER-FLETCHER, INC., a Florida  
corporation

By: Patrick L. Utter

Print Name: Patrick L. Utter

Title: Vice President

Date: September 18<sup>th</sup>, 2008

And

GTER INCORPORATED, a Delaware  
Corporation

By: Harold B. Alter

Print Name: Harold B. Alter

Title: Manager, Real Estate

Date: August 14, 2008

Cherie K Rudolph Feasley  
Notary Public in and for the State and County  
aforesaid.

Commission Number: N/A

My Commission expires: 11-14-2009

Print Notary Name: Cherie K Rudolph Feasley

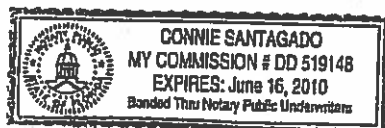
[acknowledgments continue on following page]

STATE OF Florida

COUNTY OF Collier

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2008 by Patrick L. Utter, the Vice President of COLLIER-FLETCHER, INC. a Florida corporation, partner of COLLIER-GTER JOINT VENTURE, a Florida joint venture, who is ☒ personally known to me, or who has ☐ produced \_\_\_\_\_ as identification.

(seal)



Connie Santagado  
Notary Public in and for the State and County  
aforesaid.  
Commission Number: DD 519148  
My Commission expires: 6-16-10  
Print Notary Name: Connie Santagado

[signatures and acknowledgments continue on following page]

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by \_\_\_\_\_, the \_\_\_\_\_ of GTER INCORPORATED, a Delaware corporation, partner of COLLIER-GTER JOINT VENTURE, a Florida joint venture, who is ☐ personally known to me, or who has ☐ produced \_\_\_\_\_ as identification.

(seal)

\_\_\_\_\_  
Notary Public in and for the State and County  
aforesaid.

Commission Number: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

Print Notary Name: \_\_\_\_\_

[signatures and acknowledgments continue on following page]



Karen A. Evans

Witness

Print Name: Karen A. Evans

Sumanthee Slaughter

Witness

Print Name: [Signature]

ASSOCIATION:

TAMPA TELECOM PARK OWNERS  
ASSOCIATION, INC., a Florida not-for-  
profit corporation

By: [Signature]

Print Name: Peter Shatz

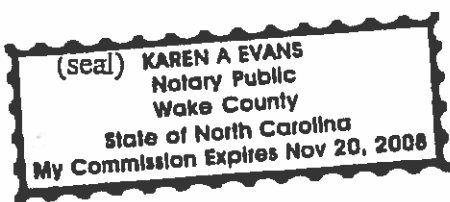
Title: President

Date: 7.21.08

STATE OF North Carolina

COUNTY OF Wake

The foregoing instrument was acknowledged before me this 21 day of July, 2008 by Peter Shatz, the President of Tampa Telecom Park Owners Association, Inc., a Florida not-for-profit corporation, who is ☒ personally known to me, or who has ☐ produced \_\_\_\_\_ as identification.



Karen A. Evans

Notary Public in and for the State and County  
aforesaid.

Commission Number: \_\_\_\_\_

My Commission expires: 11/20/08

Print Notary Name: Karen A. EVANS

**EXHIBIT A**

**Development Order and Amendment**

~~Attached to one ORIGINAL  
document. Copies will  
be provided~~

See Attached



# CITY OF TEMPLE TERRACE

*"A City for Living"*

COMMUNITY DEVELOPMENT DEPARTMENT

11250 N. 56TH STREET  
TEMPLE TERRACE, FL 33617  
(813)506-6160 FAX (813)506-6171  
www.templeterrace.com

August 18, 2011

Allen S. Murphy, AICP  
Murphy LaRocca Consulting Group, Inc.  
101 E. Kennedy Blvd. Suite 3020  
Tampa FL 33602

RE: Telecom Park Development of Regional Impact (DRI #116) – Request for four-year extension pursuant to HB 7207

Dear Mr. Murphy:

This letter is to acknowledge that the Community Development Department has received your request to extend the buildout and expiration dates for the above DRI by four years pursuant to HB 7207 adopted June 2, 2011. The new buildout date for Telecom Park is December 31, 2017 and the expiration date is December 31, 2019.

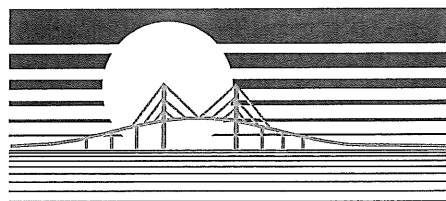
Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Stephenson".

Charles W. Stephenson, Director  
Community Development Department

cc: Brad Parrish, Temple Terrace  
John Meyer, Tampa Bay Regional Planning Council

#116



Tampa Bay Regional Planning Council

Chair

Commissioner Jack Mariano

July 28, 2010

Vice-Chair

Jill Collins

Secretary/Treasurer

Commissioner Larry Bustle

Executive Director

Manny Pumariega

Mr. Charles Stephenson  
Community Development Director  
City of Temple Terrace  
Post Office Box 16930  
Temple Terrace, FL 33617

**Subject: DRI #116 - Tampa Telecom Park, Three-Year Extension Request, City of Temple Terrace**

Dear Mr. Stephenson:

The Council received a copy of a July 9, 2009 correspondence from Mr. Allen Murphy of Murphy LaRocca Consulting Group, Inc. (copy attached). This correspondence requested three-year extensions for of the phase buildout and Development Order expiration dates.

In order to qualify for the three-year extension granted by 2007 legislative changes to Subsection 380.06(19)(c), F.S., a project must have been under "active construction" on July 1, 2007. Having verified that development activities were occurring during this time period through the annual reporting process, Council staff does concur with the appropriateness of your request. However, please note that it is Council staff's opinion that the extension request **would only be applicable** for Phase II entitlements since the Phase I buildout date has long since expired and the Phase III entitlements have yet to be specifically approved.

By copy of this correspondence, you are hereby notified that Council records will be updated to reflect the revised phasing schedule identified below. The corresponding Development Order expiration date will be additionally extended by three years (to December 31, 2015).

| PH. BUILDOUT      | OFFICE<br>(G.L.A.) | SVC.<br>CENTER<br>(G.L.A.) | INDUSTRIAL<br>(G.L.A.) | SPECIALTY<br>RETAIL<br>(G.L.A.) | DAY CARE<br>(G.L.A.) | HOTEL<br>(Rooms) |
|-------------------|--------------------|----------------------------|------------------------|---------------------------------|----------------------|------------------|
| I (Existing) 2003 | 1,104,433          | 132,479                    | 125,713                | 0                               | 16,681               | 173              |
| II 2013           | 986,056            | 400,000                    | 0                      | 50,000                          | 0                    | 0                |
| III* 2010         | 400,000            | 300,000                    | 100,000                | 0                               | 0                    | 0                |
| <b>TOTAL</b>      | <b>2,490,489</b>   | <b>832,479</b>             | <b>225,713</b>         | <b>50,000</b>                   | <b>16,681</b>        | <b>173</b>       |

\* - Specific approval of (Revised) Phase III is contingent upon further Section 380.06, F.S. transportation analysis.

4000 Gateway Centre Boulevard, Suite 100 • Pinellas Park, FL 33782

Phone: 727-570-5151 • Fax: 727-570-5118 • [www.tbrpc.org](http://www.tbrpc.org)

If you should have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John M. Meyer  
DRI Coordinator

cc: Mr. Allen Murphy, MLCG  
Robert Horton, Grubb & Ellis

Mr. Dan Santos, FDOT  
Mr. Bernard Piawah, FDCA

**MURPHY LARocca CONSULTING GROUP, INC.**  
*URBAN PLANNING AND REAL ESTATE CONSULTING*

July 1, 2009

Suzanne Hicks, AICP  
Senior Planner  
City of Temple Terrace  
11250 N. 56th Street  
Temple Terrace, FL 33617  
(813) 506-6484

Re: ***Tampa Telecom Park DRI #116 (a.k.a. GTE/Collier 326)***

Dear Suzanne:

As you know, construction is ongoing within the Tampa Telecom Park Development of Regional Impact (DRI). Florida Statute § 380.06 (19)(c) provides a three (3) year extension for all phases, buildout and expiration dates for developments of regional impact under active construction on July 1, 2007. The three (3) year extension is not a substantial deviation, is not subject to further review, and must not be considered when determining if a subsequent extension is a substantial deviation requiring review as a development of regional impact.

The City of Temple Terrace City Council originally approved the Tampa Telecom Park DRI # 106 on April 29, 1985. This DRI's current buildout date is December 31, 2010 and the DRI will expire on December 31, 2012 unless extended again. Based on the most recent annual reporting period (2007-2008), this DRI is in compliance with the conditions imposed through the Development Order. The 2008-2009 Annual Report is being prepared and will be submitted soon. Currently approved development for the project consists of:

**APPROVED DEVELOPMENT (PER DEVELOPMENT ORDER)**

| PHASE | BUILDOUT | OFFICE    | SERVICE<br>CENTER | INDUSTRIAL | SPECIALTY<br>RETAIL | DAY<br>CARE | HOTEL<br>ROOMS |
|-------|----------|-----------|-------------------|------------|---------------------|-------------|----------------|
| I     | 2003     | 1,104,433 | 132,479           | 125,713    | 0                   | 16,681      | 173            |
| II    | 2010     | 986,056   | 400,000           | 0          | 50,000              | 0           | 0              |
| III   | 2010     | 400,000   | 300,000           | 100,000    | 0                   | 0           | 0              |
|       | TOTAL    | 2,490,489 | 832,479           | 225,713    | 50,000              | 16,681      | 173            |

Based on current Hillsborough County Property Appraiser records, cumulative development to date within Tampa Telecom Park includes:

**EXISTING DEVELOPMENT**

| OFFICE    | SERVICE<br>CENTER | INDUSTRIAL | SPECIALTY<br>RETAIL | DAY<br>CARE | HOTEL<br>ROOMS |
|-----------|-------------------|------------|---------------------|-------------|----------------|
| 1,318,849 | 115,798           | 125,713    | 0                   | 16,681      | 265            |

Per information that you provided (see Exhibit 1), most of the recent and current construction in Tampa Telecom Park was approved August 2007 which indicates that these projects were in various stages of design and development review as of July 1, 2007. These projects are summarized below:

**PROJECTS UNDER DEVELOPMENT AS OF JULY 1, 2007**

| <b>PROPERTY/LOT #</b>       | <b>APPLICANT</b>       | <b>STATUS<br/>(July 1, 2007)</b> | <b>ACRES</b> | <b>BLDGS</b> | <b>STORIES</b> | <b>USE</b>     | <b>SF</b> |
|-----------------------------|------------------------|----------------------------------|--------------|--------------|----------------|----------------|-----------|
| Lot 6B & 7E - Intellicenter | Koll Development       | Construction plans under review  | 30.3         | 1            | 4              | Office         | 211,637   |
| Lot 6B & 7E - Intellicenter | Koll Development       | Construction plans under review  | 30.3         | 1            | 3              | Office         | 158,518   |
| Lot 7F North - Grand Oaks   | Ramco Development      | Under Construction               | 12.46        | 8            | 1              | Office         | 89,000    |
| Lot 7F South                | Telecom Associates LLC | Under Construction               | 7.01         | 4            | 1-2            | Office         | 40,000    |
| Lot 7B - Rivers Edge        | AG Armstrong           | Under Construction               | 10.31        | 1            | 4              | Hotel-92 Rooms | 55,450    |
| Lot 7C                      | Johnson Engineering    | Planning                         | 15.66        | 19           | 1              | Office         | 57,000    |
| Lot 7G North                | Simmons Construction   | Planning                         | 6.93         | 1            | 2              | Office         | 24,000    |
| Lot 7G South                | DBSI Development       | Planning                         |              | 1            | 4              | Office         | 85,000    |
| Lot B                       | Ryan Companies         | Planning                         | 20           | 2            | 4              | Office         | 110,000   |

This information was further refined by you to indicate that on April 27, 2007, preliminary plans were submitted for Lots 6B and 7E (Intellicenter) and were still under review for development approval as of July 1, 2007.

Three projects appear to have been granted construction approval prior to July 1, 2007 but were shown as "under construction" on the status report compiled by your department in December 2007 (attached). These projects are:

- Lot 7F North (Grand Oaks—Ramco Development), approved April 18, 2006
- Lot 7B (River's Edge—AG Armstrong), approved August 1, 2006
- Lot 7F South (Telecom Associates), approved November 15, 2005

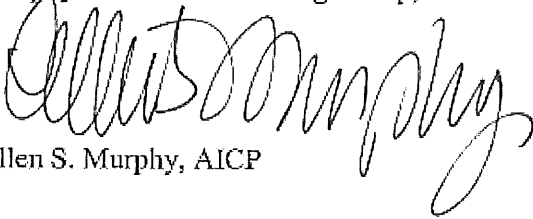
Four projects were approved for construction in August, 2007 and are assumed to have been undergoing active design since preliminary plans were submitted on July 6, 2007 and later. These projects are:

- Lot B (Rivers Edge—AG Armstrong)
- Lot 7C (Johnson Engineering)
- 7G North (Simmons Construction)
- 7G South (DBSI Development)

As evidenced above, the DRI was actively pursuing development approvals for or was under construction on seven different lots within Tampa Telecom Park DRI as of July 1, 2007. Please provide confirmation that, pursuant to Florida Statute § 380.06 (19)(c), the DRI's buildout and expiration dates are extended three years based on this information. The DRI's buildout date is extended to December 31, 2013 and the expiration date is now December 31, 2015.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,  
Murphy LaRocca Consulting Group, Inc.

  
Allen S. Murphy, AICP

Attachments as noted

Cc: Robert Horton, Grubb & Ellis/Commercial Florida



EXHIBIT 1

**TELECOM PARK AND TAMPA OAKS DRI PROJECTS SUMMARY**

| <u>PROPERTY / LOT #</u>     | <u>APPLICANT</u>                               | <u>STAGE</u>       | <u>Acres</u> | <u>BLDGS</u> | <u>STORIES</u> | <u>TYPE</u>         | <u>SF</u>                    | <u>TOTAL</u> |
|-----------------------------|------------------------------------------------|--------------------|--------------|--------------|----------------|---------------------|------------------------------|--------------|
| <b>TELECOM PARK</b>         |                                                |                    |              |              |                |                     |                              |              |
| Lot 2 of Lot 2 Replat       |                                                | Constructed        | 4            | 3            |                | 1 Office            | 39,451                       | 39,451       |
| Lot 6A-1                    | FL Orthopaedic Institute<br>Surgery Center LLC | Constructed        | 2.66         | 1            |                | 1 Surgery Center    | 18,938                       |              |
| Lot 6A-2                    | FL Orthopaedic Institute                       | Constructed        | 9.97         | 1            |                | 3 Office            | 77,784                       |              |
| Lot 7A                      |                                                | Welland Issues     | 15.67        |              |                |                     |                              |              |
| Lot 7A-1                    | Marriott Residence Inn                         | Constructed        | 2.38         | 1            |                | Hotel-78 Rooms      | 54,523                       |              |
| Lot 7A-2                    | Marriott TownePlace Suites                     | Constructed        | 2.53         | 2            |                | Hotel-95 Rooms      | 54,814                       |              |
| Lot 7B - Rivers Edge        | AG Armstrong                                   | Under Construction | 10.31        | 1            |                | Hotel-92 Rooms      | 55,450                       |              |
|                             |                                                |                    |              | 4            |                | 1 Office            | 10,000                       |              |
|                             |                                                |                    |              | 3            |                | 2 Office/Retail Mix | O:<br>11,000<br>R:<br>14,200 | 90,650       |
| Lot 7C                      | Johnson Engineering                            | Planning           | 15.66        | 19           |                | 1 Office            | 57,000                       | 57,000       |
| Lot 6B & 7E - Intellicenter | Koll Development                               | Under Construction | 30.3         | 1            |                | 4 Office            | 211,637                      |              |
| Lot 6B & 7E - Intellicenter | Koll Development                               | Under Construction | 30.3         | 1            |                | 3 Office            | 158,518                      | 370,155      |
| Lot 7F-North - Grand Oaks   | Ramco Development                              | Under Construction | 12.46        | 8            |                | 1 Office            | 89,000                       | 89,000       |
| Lot 7F-South                | Telecom Associates LLC                         | Under Construction | 7.01         | 4            |                | 1-2 Office          | 40,000                       | 40,000       |
| Lot 7G North                | Simmons Construction                           | Planning           | 6.93         | 1            |                | 2 Office            | 24,000                       | 24,000       |
| Lot 7G South                | DBSI Development                               | Planning           |              | 1            |                | 4 Office            | 85,000                       | 85,000       |
| Lot B                       | Ryan Companies                                 | Planning           | 20           | 2            |                | 4 Office            | 110,000                      | 220,000      |



# FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

Andrea E. Zelman  
Direct Dial: 813-222-3335  
azelman@fowlerwhite.com

June 20, 2008

Ms. Ann Sheller  
City Planner  
Planning & Development Division City of Temple Terrace  
11250 North 56th Street  
Temple Terrace, FL 33617

Mr. John Meyer  
DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Boulevard  
Suite 100  
Pinellas Park, FL 33781

Re: Tampa Telecom DRI No. 116 - Request for Review and Approval of Trade-off  
Calculations

Dear Ms. Sheller and Mr. Meyer:

As I discussed with Ms. Sheller, we represent Ryan Companies US, Inc., which is the purchaser of Lot B of Tampa Telecom Park. As she and I discussed, Ryan has already received site plan approval, and intends to build approximately 220,000 square feet of office use on the site.

As I also discussed with Ms. Sheller, Ryan was assigned by the seller, Triton Properties Group Florida, LLC, the following development rights: one hundred forty nine thousand six hundred seventy five (149,675) gross square feet of floor area for service center use, twelve thousand (12,000) gross square feet of floor area for retail use, and eighty five thousand one hundred (85,100) gross square feet of floor area for office use. As shown in the calculations below, those convert to the same number of PM peak hour trips as does 220,000 square feet of office.

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • ST. PETERSBURG • FORT MYERS • TALLAHASSEE • ORLANDO • NAPLES • WEST PALM BEACH • BONITA SPRINGS • JACKSONVILLE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • [www.fowlerwhite.com](http://www.fowlerwhite.com)

Ms. Ann Sheller and Mr. John Meyer  
June 20, 2008  
Page 2

| DEVELOPMENT RIGHTS SOLD TO RYAN |               |              |                      |
|---------------------------------|---------------|--------------|----------------------|
| <u>USE</u>                      | <u>FACTOR</u> | <u>SF</u>    | <u>TRIPS</u>         |
| Service Center                  | 0.62          | 149,675      | 93,000 <sup>1</sup>  |
| Retail                          | 5.99          | 12,000       | 72,000 <sup>2</sup>  |
| Office                          | 1.22          | 85,100       | 104,000 <sup>3</sup> |
|                                 |               | Total Trips: | 269,000              |

| DEVELOPMENT PLAN |               |           |              |
|------------------|---------------|-----------|--------------|
| <u>USE</u>       | <u>FACTOR</u> | <u>SF</u> | <u>TRIPS</u> |
| Office           | 1.22          | 220,000   | 268,400      |

Please confirm that this trade-off conversion is consistent with the trip generation calculation chart approved by the City of Temple Terrace in Ordinance No. 821 (5<sup>th</sup> Amendment to the DRI Development Order), which was adopted in 1992 and which added the trade-off mechanism to the development order.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

FOWLER WHITE BOGGS BANKER P.A.



Andrea E. Zelman

mnf

cc: Mr. Gary Bauler

40271650v1 - Letter to Ann Sheller and John Meyer 6/20/08

<sup>1</sup> Rounded up from 92,798

<sup>2</sup> Rounded up from 71,880

<sup>3</sup> Rounded up from 103,822

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#116



## 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

June 20, 2007

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 Tampa Telecom Park 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. 1206, adopted by the City Council of the City of Temple Terrace, Florida, on June 19, 2007, revising the design standards and development criteria for permitted signs.

Sincerely,

Melissa E. Burns, MMC  
City Clerk

Enclosure



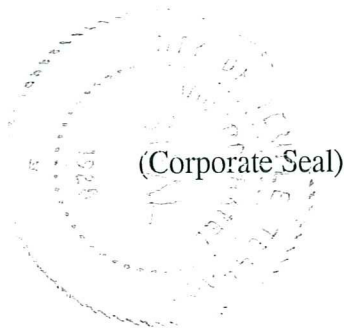
# CITY of TEMPLE TERRACE

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## 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. 1206**, adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of June 19, 2007, relative to amendments to the Tampa Telecom Park DRI, 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 20th day of June, 2007.



(Corporate Seal)

*Melissa E. Burns*

Melissa E. Burns, MMC

City Clerk

**CITY OF TEMPLE TERRACE,  
FLORIDA**



**ORDINANCE NO. 1206**

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, ORDINANCE NO. 1001, ORDINANCE NO. 1133, ORDINANCE NO. 1150, ORDINANCE NO. 1162, ORDINANCE NO. 1187 AND ORDINANCE NO. 1201 TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; MAKING CERTAIN CHANGES TO SECTION 4, PARAGRAPH R.R. OF THE DEVELOPMENT ORDER REVISING THE DESIGN STANDARDS AND DEVELOPMENT CRITERIA FOR PERMITTED SIGNS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, on March 29, 1985, the City approved the amendments, by Ordinance No. 544, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

**WHEREAS**, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

**WHEREAS**, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revised the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, on December 21, 2004, by Ordinance No. 1133, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 19, 2005, by Ordinance No. 1150, the City approved a scrivener's error ordinance to correct an error in DRI Map H which occurred in the adoption of ordinance No. 1001 and Ordinance No. 1133 by changing the use designation on a 3.2 acre parcel from Park to Office as originally approved by ordinance No. 585; and

**WHEREAS**, on October 11, 2005, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to correct the phasing schedule table in Section 4., Paragraph N, subparagraph 1 of the Development Order adopted in Ordinance No.1133 to show 16,681 square feet of existing day care center in Phase 1 (Existing Development); indicating that the project is approved for 2,854 p.m. peak hour external trips (548 Inbound/2,306 Outbound) through Revised Phase II; and to make certain changes to Map "H"; and

**WHEREAS**, on February 21, 2006, by Ordinance No. 1162, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on June 30, 2006, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Map "H"; and



**WHEREAS**, on September 19, 2006, by Ordinance No. 1187, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on December 21, 2006, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Map "H"; and

**WHEREAS**, on March 6, 2007, by Ordinance No. 1201, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 10, 2007, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Section 4, Paragraph R.R. of the Development Order revising the design standards and development criteria for permitted signs; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1.**      **Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also know as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2.**      **Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A.      The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B.      All statutory procedures have been adhered to.
- C.      The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.



**Section 3. Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

The revisions to Section 4, Paragraph R.R. of the Development Order are attached hereto as Exhibit "A". The new revised Section 4, Paragraph R.R. of the Development Order is attached hereto as Exhibit "B" and is made a part hereof.

**Section 5.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6.** The City Clerk is hereby directed to send copies of this Ordinance within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 7.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 8.** This Ordinance shall take effect immediately upon its passage, approval – and being posted or published as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE,  
FLORIDA, THIS 19<sup>th</sup> DAY OF June, 2007.

APPROVED BY THE MAYOR THIS 19<sup>th</sup> DAY OF June, 2007.

(CORPORATE SEAL)

  
Joseph A. Affronti, Sr., Mayor

ATTEST:

  
Melissa E. Burns, City Clerk

5/10/07

## EXHIBIT "A"

### REVISIONS TO SECTION 4, Paragraph R.R.

#### Section 4, Paragraph R.R.:

R.R. In addition to those signs permitted pursuant to Section 3-26(a)-(c) of the Temple Terrace Code of Ordinances, ~~the~~ The following signs shall be permitted in GTE/Collier-326:

1. Two (2) architecturally designed and landscaped ground signs not to exceed fifteen (15') feet in height; each of which will not contain more than one hundred sixty-seven and 75/100 (167.75) sq. ft. in total area, including side supports, whether the said sign is single or doubled faced, at each major entrance to Tampa Telecom Park at the corners of Fletcher Avenue and Telecom Parkway and Fletcher Avenue and Telecom Drive.
2. ~~No more than one (1) ground sign may be erected at any entrance within Tampa Telecom Park, and each such sign shall be no more than five feet (5') in height and one hundred twenty-five (125) sq. ft. in total surface area on any sign face. One (1) architecturally designed and landscaped ground sign per zoning lot development project, no more than five feet (5') in height and one hundred twenty-five (125) sq. ft. in total surface area on any sign face. A maximum of two ground signs shall be permitted if there is a second access onto the development parcel and signs are located a minimum of 400 feet apart. Said sign shall be only for the purpose of identifying the office, institution, or facility zoning lot development project within the park and shall be of materials capable of withstanding the elements for a reasonable period of time. Two (2) such ground signs, one (1) facing each roadway may be permitted on corner lots.~~
3. Informational signs up to four (4) square feet in size, not visible beyond the boundaries of the zoning lot upon which they are situated or from any public thoroughfare or right-of-way and signs oriented inward upon a lot and intended solely for the information of employees and visitors.
4. All plantings surrounding signs shall be watered and adequately maintained by the Developer, the owner or tenant, all of whom shall be jointly and severally liable for said maintenance.
5. One (1) wall sign per building tenant, which may be up to twelve (12) square feet in area, as defined by Section 25.765.2, Temple Terrace Code of Ordinances. Hotels may be permitted with two (2) wall signs, each up to 85 square feet in size, on the building. Wall signs shall be uniform in size, height and font, and shall have a coordinated color scheme, except that signs may contain the corporate logo (including logo colors) of the profession(s), service(s) or business(es) being conducted at the site. Signs may use channel letters and may be lighted. Lightbox signs are prohibited.
- 5 .6. All signs shall be subject to City staff review and approval as part of the preliminary and/or final site plan processes in accordance with the site-specific permit process detailed in Chapter 24 detailed in Section 25.635 and 25.640 Temple Terrace Code of Ordinances.

## EXHIBIT "B"

### Section 4, Paragraph R.R.:

- R.R. The following signs shall be permitted in GTE/Collier-326:
1. Two (2) architecturally designed and landscaped ground signs not to exceed fifteen (15') feet in height; each of which will not contain more than one hundred sixty-seven and 75/100 (167.75) sq. ft. in total area, including side supports, whether the said sign is single or doubled faced, at each major entrance to Tampa Telecom Park at the corners of Fletcher Avenue and Telecom Parkway and Fletcher Avenue and Telecom Drive.
  2. One (1) architecturally designed and landscaped ground sign per zoning lot development project, no more than five feet (5') in height and one hundred twenty-five (125) sq. ft. in total surface area on any sign face. A maximum of two ground signs shall be permitted if there is a second access onto the development parcel and signs are located a minimum of 400 feet apart. Said sign shall be only for the purpose of identifying the zoning lot development project within the park and shall be of materials capable of withstanding the elements for a reasonable period of time. Two (2) such ground signs, one (1) facing each roadway may be permitted on corner lots.
  3. Informational signs up to four (4) square feet in size, not visible beyond the boundaries of the zoning lot upon which they are situated or from any public thoroughfare or right-of-way and signs oriented inward upon a lot and intended solely for the information of employees and visitors.
  4. All plantings surrounding signs shall be watered and adequately maintained by the Developer, the owner or tenant, all of whom shall be jointly and severally liable for said maintenance.
  5. One (1) wall sign per building tenant, which may be up to twelve (12) square feet in area, as defined by Section 25.765.2, Temple Terrace Code of Ordinances. Hotels may be permitted with two (2) wall signs, each up to 85 square feet in size, on the building. Wall signs shall be uniform in size, height and font, and shall have a coordinated color scheme, except that signs may contain the corporate logo (including logo colors) of the profession(s), service(s) or business(es) being conducted at the site. Signs may use channel letters and may be lighted. Lightbox signs are prohibited.
  6. All signs shall be subject to City staff review and approval as part of the preliminary and/or final site plan processes detailed in Section 25.635 and 25.640, Temple Terrace Code of Ordinances.

5/10/07



#116



## 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

March 9, 2007

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 Tampa Telecom Park 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. 1201, adopted by the City Council of the City of Temple Terrace, Florida, on March 6, 2007, providing specific approval for revisions to Map H.

Sincerely,

Melissa E. Burns, MMC  
City Clerk

Enclosure



# CITY of TEMPLE TERRACE

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## 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. 1201**, adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of March 6, 2007, relative to amendments to the Tampa Telecom Park DRI, 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 9th day of March, 2007.



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

## ORDINANCE NO. 1201

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, ORDINANCE NO. 1001, ORDINANCE NO. 1133, ORDINANCE NO. 1150, ORDINANCE NO. 1162, AND ORDINANCE NO. 1187, TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING SPECIFIC APPROVAL FOR REVISIONS TO MAP H; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, on March 29, 1985, the City approved the amendments, by Ordinance No. 544, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

**WHEREAS**, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

**WHEREAS**, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and



**WHEREAS**, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revised the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, on December 21, 2004, by Ordinance No. 1133, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 19, 2005, by Ordinance No. 1150, the City approved a scrivener's error ordinance to correct an error in DRI Map H which occurred in the adoption of ordinance No. 1001 and Ordinance No. 1133 by changing the use designation on a 3.2 acre parcel from Park to Office as originally approved by ordinance No. 585; and

**WHEREAS**, on October 11, 2005, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to correct the phasing schedule table in Section 4., Paragraph N, subparagraph 1 of the Development Order adopted in Ordinance No.1133 to show 16,681 square feet of existing day care center in Phase 1 (Existing Development); indicating that the project is approved for 2,854 p.m. peak hour external trips (548 Inbound/2,306 Outbound) through Revised Phase II; and to make certain changes to Map "H"; and

**WHEREAS**, on February 21, 2006, by Ordinance No. 1162, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on June 30, 2006, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Map "H"; and

**WHEREAS**, on September 19, 2006, by Ordinance No. 1187, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on December 21, 2006, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Map "H"; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that while the proposed amendments are presumed to create a substantial deviation, that the Developer has provided sufficient information to rebut this presumption, and that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1.      Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also know as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2.      Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A.      The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B.      All statutory procedures have been adhered to.



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

**Section 3. Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

Lot 7E/6-1B is revised to indicate that the approved uses include: "Research & Development, Light Manufacturing, and Office".

The parcel identified as "Fire Water" is revised to indicate that the approved use is: "Public Facility".

**Section 5.** A revised Master Plan of Development is attached hereto and made a part hereof as Revised Map "H"(Exhibit A). The revisions to Map H allow approved Office use on Lot 7E/6-1B (also known as Lot 7E as recorded in Plat Book 68, Page 33, and Lot 6B, as recorded in Plat Book 64, Page 7), which currently allows Research & Development and Service & Light Manufacturing as approved uses; adjusts the lot lines for Lot 7E/6-1B to more accurately reflect ownership and platted parcels within this portion of Tampa Telecom Park; changes the land use label for the 3 acre "Fire Water" parcel to "Public Facility" as requested by TBRPC; and revises the land use table on Map H. The Office use is a transfer of approved Office use to parcel 7E/6-1B. Office is defined by Section 25.530.12 of the Temple Terrace Code of Ordinances (PROF). No increase of square footage is requested.

**Section 6.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 7.** The City Clerk is hereby directed to send copies of this Ordinance within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 8.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 9.** This Ordinance shall take effect immediately upon its passage, approval – and being posted or published as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 6<sup>th</sup> DAY OF March, 2007.**

**APPROVED BY THE MAYOR THIS 6<sup>th</sup> DAY OF March, 2007.**

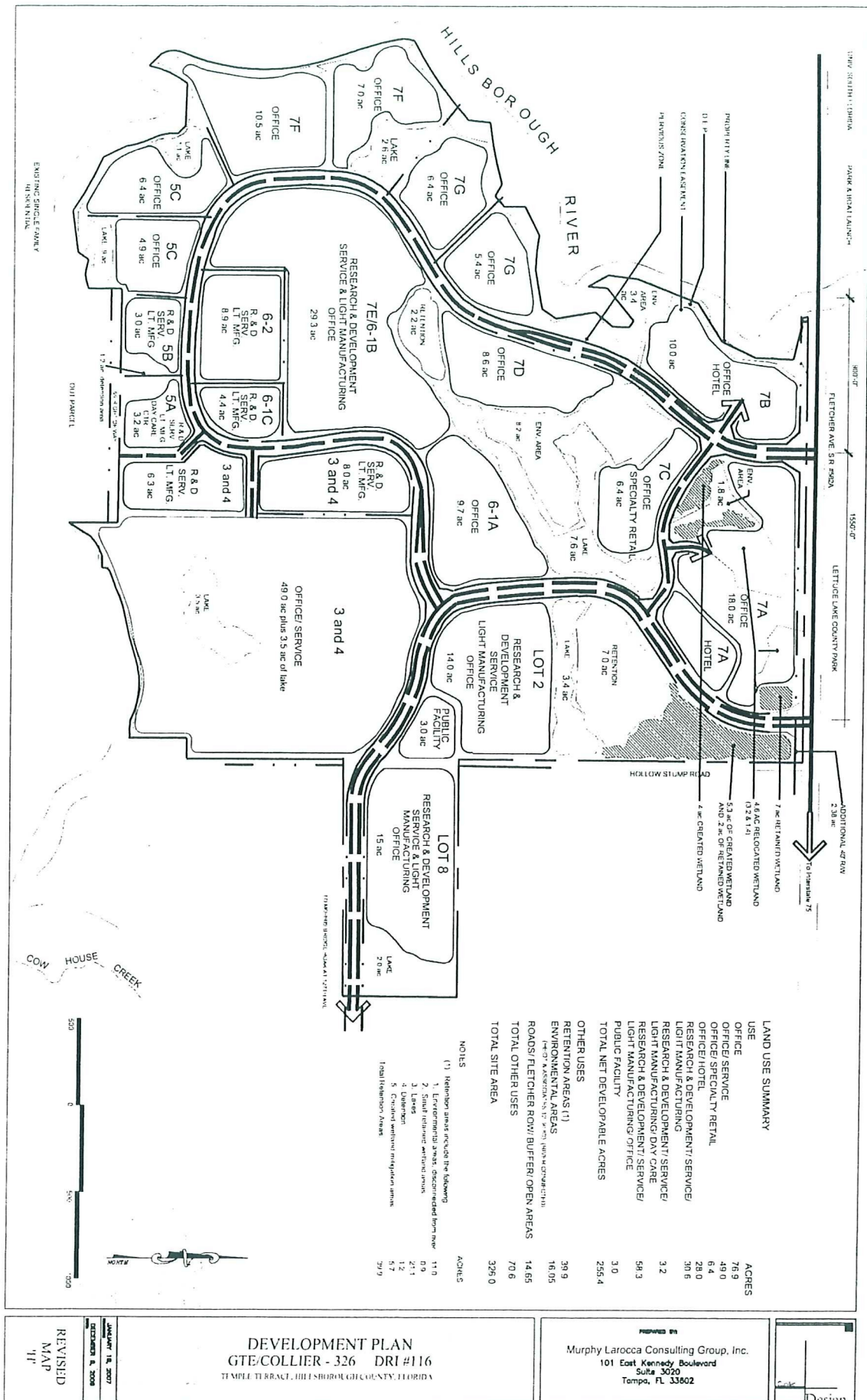
(CORPORATE SEAL)

  
JOSEPH A. AFFRONTI, SR., MAYOR

**ATTEST:**

  
MELISSA E. BURNS, CITY CLERK

# EXHIBIT A





# 116



**AG | Armstrong**  
Development

December 5, 2006

Patrick Utter  
Vice President-Commercial Real Estate  
Collier-GTER Joint Venture  
3003 Tamiami Trail North, Suite 400  
Naples, FL 34103

Re: DRI #116 – Tampa Telecom Park, Requested Land Use Equivalency Conversion  
City of Temple Terrace

Dear Mr. Utter:

In response to your letter dated November 17, 2006, I would like to clarify AG Armstrong's plans for conversion of its entitlements for our Telecom Park Development. You are correct that, per the Assignment of Development Rights, Collier-GTER Joint Venture transferred to AG Armstrong 24,000 square feet of specialty retail entitlements and 42,999 square feet of office entitlements. Our proposed development plans call for 14,200 square feet of specialty retail, 21,000 square feet of office, and a hotel with 92 rooms. Our letter of November 2, 2006 did refer to 117 hotel rooms; however, the hotel plans are now finalized and there will only be 92 rooms. Therefore, we plan to convert 9,800 square feet of specialty retail and 13,100 square feet of office use for the 92 hotel rooms. This conversion is in accordance with the trip generation chart approved by the City of Temple Terrace Ordinance 821 (Fifth Amendment to the DRI Development Order). Based on this conversion, the schedule of approved uses will be as indicated in Attachment A.

Should you have any further questions, please feel free to contact me at 813-265-4500, x.23.

Sincerely,

Richard A. McHargue  
Vice President  
AG Armstrong Development, LLC

cc: Jim Shimberg, Holland & Knight  
Allen Murphy, ML Consulting  
Roy Chapman, FDC  
Ann Sheller, City of Temple Terrace  
Brenda Winningham, FDCA  
Kent Fast, FDOT  
John Meyer, Tampa Bay Regional Planning Council

## ATTACHMENT A

### DEVELOPMENT RIGHTS SOLD

| USE              | FACTOR | SF     | TRIPS         |
|------------------|--------|--------|---------------|
| Specialty Retail | 2.6    | 24,000 | 62.40         |
| Office           | 1.22   | 42,999 | 52.46         |
| Hotel            | .45    |        | 0.00          |
| <b>Total</b>     |        |        | <b>114.86</b> |

### CONVERSION FOR HOTEL

| USE              | FACTOR | SF     | TRIPS        |
|------------------|--------|--------|--------------|
| Specialty Retail | 2.6    | 9,800  | 25.48        |
| Office           | 1.22   | 13,100 | 15.98        |
| <b>Total</b>     |        |        | <b>41.46</b> |

### CURRENT DEVELOPMENT PLAN (per plans submitted)

| USE              | FACTOR | SF       | TRIPS         |
|------------------|--------|----------|---------------|
| Specialty Retail | 2.6    | 14,200   | 36.92         |
| Office           | 1.22   | 21,000   | 25.62         |
| Hotel            | .45    | 92 Rooms | 41.40         |
| <b>Total</b>     |        |          | <b>103.94</b> |



#116



# 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

September 20, 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 Tampa Telecom Park 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. 1187, adopted by the City Council of the City of Temple Terrace, Florida, on September 19, 2006, providing for revisions to Lot 8 on Map H to indicate that the approved uses include "Research & Development; Service & Light Industrial; Manufacturing; and Office."

Sincerely,

Melissa E. Burns, MMC  
City Clerk

Enclosure



# CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET  
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TEMPLE TERRACE, FLORIDA 33687  
PHONE 813/989-7100  
SUNCOM #967-7100  
FAX #989-7185  
[www.templeterrace.com](http://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. 1187**, adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of September 19, 2006, relative to amendments to the Tampa Telecom Park DRI, 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 20th day of September, 2006.



*Melissa E. Burns*

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

**ORDINANCE NO. 1187**

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, ORDINANCE NO. 1001, ORDINANCE NO. 1133, ORDINANCE NO. 1150, AND ORDINANCE NO. 1162 TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING SPECIFIC APPROVAL FOR REVISIONS TO MAP H; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, on March 29, 1985, the City approved the amendments, by Ordinance No. 544, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

**WHEREAS**, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

**WHEREAS**, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and



**WHEREAS**, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revised the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, on December 21, 2004, by Ordinance No. 1133, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 19, 2005, by Ordinance No. 1150, the City approved a scrivener's error ordinance to correct an error in DRI Map H which occurred in the adoption of ordinance No. 1001 and Ordinance No. 1133 by changing the use designation on a 3.2 acre parcel from Park to Office as originally approved by ordinance No. 585; and

**WHEREAS**, on October 11, 2005, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to correct the phasing schedule table in Section 4., Paragraph N, subparagraph 1 of the Development Order adopted in Ordinance No.1133 to show 16,681 square feet of existing day care center in Phase 1 (Existing Development); indicating that the project is approved for 2,854 p.m. peak hour external trips (548 Inbound/2,306 Outbound) through Revised Phase II; and to make certain changes to Map "H"; and

**WHEREAS**, on February 21, 2006, by Ordinance No. 1162, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on June 30, 2006, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to make certain changes to Map "H"; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that while the proposed amendments are presumed to create a substantial deviation, that the Developer has provided sufficient information to rebut this presumption, and that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1.      Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also know as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2.      Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A.      The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B.      All statutory procedures have been adhered to.
- C.      The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**Section 3.      Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A.      Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.



- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order by amended as follows:

Lot 8 on Map H is revised to indicate that the approved uses include: "Research & Development; Service & Light Industrial; Manufacturing; and Office."

**Section 5.** A revised Master Plan of Development is attached hereto and made a part hereof as Revised Map "H". The only change to this Master Plan is the addition of the specific reference to "Office" on Lot 8 (also known as "Lot B" in recorded Plat Book 87, Page 65). The Office use is a transfer of approved Office use to this parcel. Office is defined by Section 25.530.12 of the Temple Terrace Code of Ordinances (PROF). No increase in approved square footage is requested.

**Section 7.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 8.** The City Clerk is hereby directed to send copies of this Ordinance within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 9.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

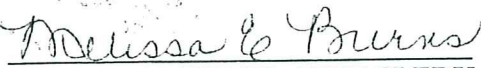
**Section 10.** This Ordinance shall take effect immediately upon its passage, approval – and being posted or published as required by law.

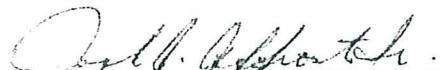
**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 19<sup>th</sup> DAY OF September, 2006.**

**APPROVED BY THE MAYOR THIS 19<sup>th</sup> DAY OF September, 2006.**

(CORPORATE SEAL)

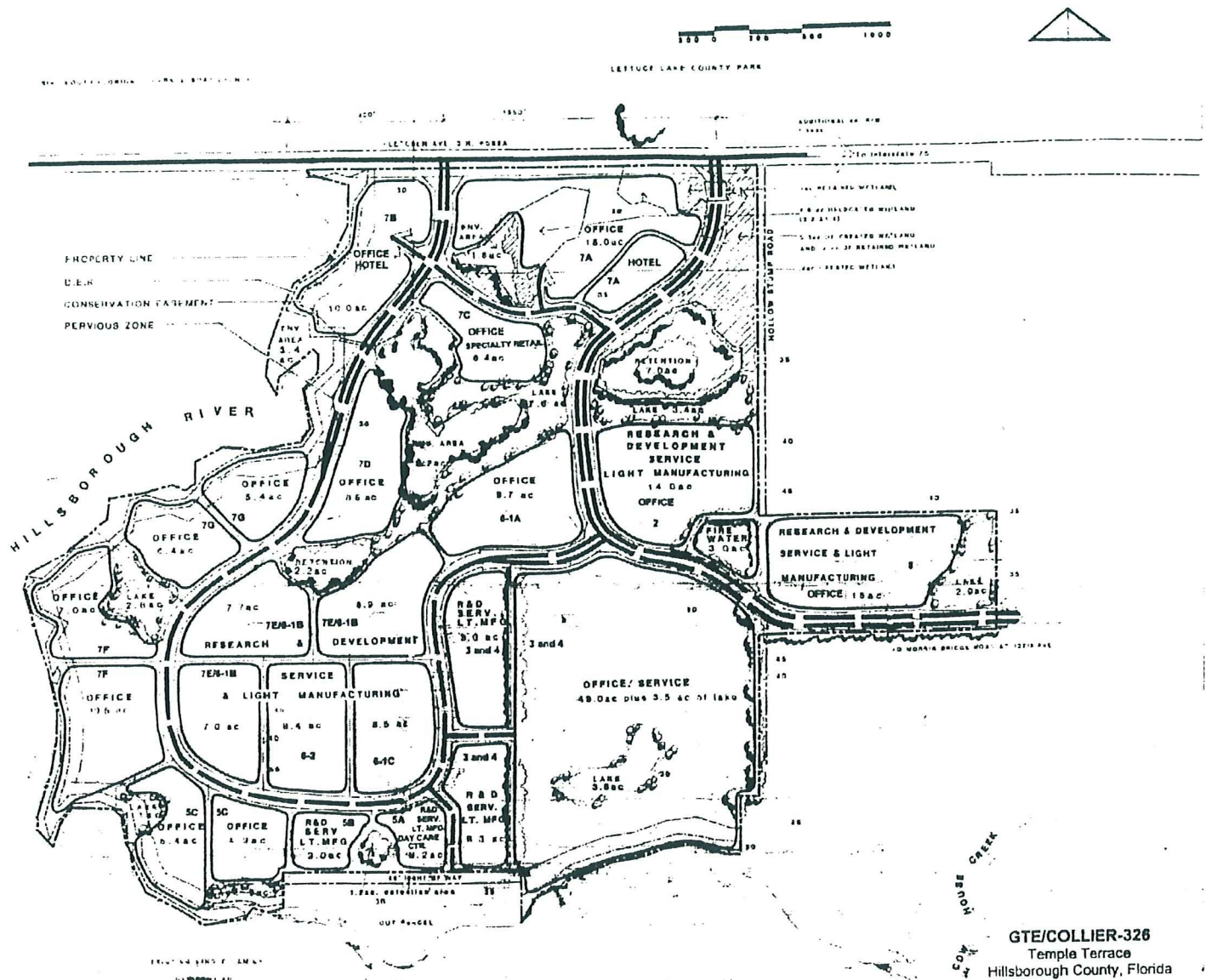
ATTEST:

  
**MELISSA E. BURNS, CITY CLERK**

  
**JOSEPH A. AFFRONTI, SR., MAYOR**

8/4/06

# EXHIBIT A



## LAND USE SUMMARY

| USE                                                   | ACRES                 |
|-------------------------------------------------------|-----------------------|
| MAJOR OFFICE / SERVICE SITE                           | 49.0 plus 3.5 w/ lake |
| OFFICE SITES                                          | 76.9                  |
| COMBINATION SITES                                     | 90.0                  |
| Research & Development, Service & Light Manufacturing | 210.0                 |
| COMMERCIAL                                            | 4.4                   |
| HOTEL - Restaurant Bar                                | 10.0                  |
| FIRE & WATER                                          | 3.0                   |
| <b>TOTAL NET DEVELOPABLE ACRES</b>                    | <b>336.3</b>          |

## OTHER USES

|                                      |              |
|--------------------------------------|--------------|
| ROADS                                | 26.20        |
| ADDITIONAL R/W, FLETCHER AVE.        | 2.40         |
| LANDSCAPE BUFFER & OPEN AREA         | 0.10         |
| ENVIRONMENTAL AREAS (WETLANDS, ETC.) | 18.00        |
| RETENTION AREAS                      | 39.80        |
| <b>TOTAL OTHER USES</b>              | <b>76.70</b> |
| <b>TOTAL SITE AREA</b>               | <b>326.0</b> |

NOTE: RETENTION AREAS INCLUDE THE FOLLOWING:

|                                                 |      |
|-------------------------------------------------|------|
| 1. Environmental areas, disconnected from river | 11.0 |
| 2. Small retained wetland areas                 | 21.1 |
| 3. Lakes                                        | 1.2  |
| 4. Detention areas                              | 5.7  |
| 5. Graded wetlands mitigation areas             | 19.8 |

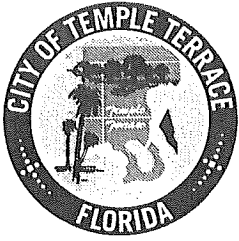
**GTE/COLLIER-326**  
 Temple Terrace  
 Hillsborough County, Florida  
**DEVELOPMENT PLAN**

## REVISED MAP H

July 2005  
 September 22, 2005  
 October 10, 2005  
 December 16, 2005  
 January 4, 2006  
 June 30, 2006

Prepared by

**Murphy LaRocca Consulting Group, Inc.**  
 1111 Kennedy Boulevard  
 Suite 1200  
 Tallahassee, FL 32302



# 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](http://www.templeterrace.com)

February 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 Tampa Telecom Park Development of Regional Impact ("DRI")

Dear Ms. Winningham and Mr. Meyers:

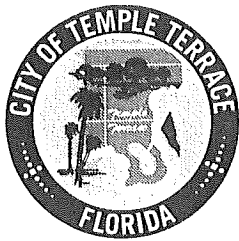
In accordance with Section 380.07, Florida Statutes, and Rule 9J-02.025, Florida Administrative Code, I am hereby rendering to the Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC") a certified complete copy of Ordinance No. 1162, adopted by the City Council of the City of Temple Terrace, Florida, on February 21, 2006, providing for amendments to Section 4 of the Development Order to correct the development schedule, providing for specific approval for revisions to Map "H", and providing for specific reference to approved P.M. Peak Hour Trips.

Sincerely,

A handwritten signature in cursive script that reads "Melissa E. Burns".

Melissa E. Burns, CMC  
City Clerk

Enclosure



# CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET  
P. O. BOX 16930  
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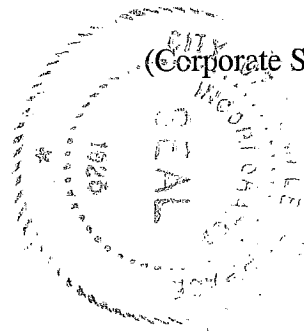
## STATE OF FLORIDA COUNTY OF HILLSBOROUGH

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. 1162**, adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of February 21, 2006, relative to amendments to the Tampa Telecom Park DRI, 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 February, 2006.

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

(Corporate Seal)



**ORDINANCE NO. 1162**

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, ORDINANCE NO. 1001, ORDINANCE NO. 1133, AND ORDINANCE NO. 1150, TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENTS TO SECTION 4 OF THE DEVELOPMENT ORDER TO CORRECT THE DEVELOPMENT SCHEDULE; PROVIDING SPECIFIC APPROVAL FOR REVISIONS TO MAP H; PROVIDING FOR SPECIFIC REFERENCE TO APPROVED P.M. PEAK HOUR TRIPS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

**WHEREAS**, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

**WHEREAS**, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and



**WHEREAS**, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revised the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, on December 21, 2004, by Ordinance No. 1133, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 19, 2005, by Ordinance No. 1150, the City approved a scrivener's error ordinance to correct an error in DRI Map H which occurred in the adoption of ordinance No. 1001 and Ordinance No. 1133 by changing the use designation on a 3.2 acre parcel from Park to Office as originally approved by ordinance No. 585; and

**WHEREAS**, on October 11, 2005, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to correct the phasing schedule table in Section 4., Paragraph N, subparagraph 1 of the Development Order adopted in Ordinance No. 1133 to show 16,681 square feet of existing day care center in Phase 1 (Existing Development); indicating that the project is approved for 2,854 p.m. peak hour external trips (548 Inbound/2,306 Outbound) through Revised Phase II; and to make certain changes to Map "H"; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that while the proposed amendments are presumed to create a substantial deviation, that the Developer has provided sufficient information to rebut this presumption, and that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1.      Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also know as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2.      Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A.      The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B.      All statutory procedures have been adhered to.
- C.      The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**Section 3.      Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A.      Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B.      The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C.      The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4.**      **Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

A. Section 4., paragraph N, subparagraph 1 of the Development Order is hereby amended to read as follows:

| REVISED PHASE                                      | LAND USE               | PHASE AMOUNT          | CUMULATIVE TOTAL      |
|----------------------------------------------------|------------------------|-----------------------|-----------------------|
| <b>1</b>                                           | Office                 | 1,104,433 Sq. Ft.     | 1,104,433 Sq. Ft      |
| (Existing<br>Development)                          | Service Center         | 132,479 Sq. Ft.       | 132,479 Sq. Ft.       |
|                                                    | Retail                 | N/A                   | N/A                   |
|                                                    | Specialty Retail       | N/A                   | N/A                   |
|                                                    | Hotel                  | 173 Rooms             | 173 Rooms             |
|                                                    | Light Mfg.             | 125,713 Sq. Ft.       | 125,713 Sq. Ft.       |
|                                                    | <u>Day Care Center</u> | <u>16,681 Sq. Ft.</u> | <u>16,681 Sq. Ft.</u> |
|                                                    |                        |                       |                       |
| <b>2</b>                                           | Office                 | 986,056 Sq. Ft.       | 2,090,489,Sq. Ft      |
| (12/1/04 through<br>12/31/10)                      | Service Center         | 400,000 Sq. Ft.       | 532,479 Sq. Ft.       |
|                                                    | Retail                 | N/A                   | N/A                   |
|                                                    | Specialty Retail       | 50,000 Sq. Ft.        | 50,000 Sq. Ft.        |
|                                                    | Hotel                  | N/A                   | 173 Rooms             |
|                                                    | Light Mfg.             | N/A                   | N/A                   |
|                                                    | <u>Day Care Center</u> | <u>N/A</u>            | <u>16,681 Sq. Ft.</u> |
|                                                    |                        |                       |                       |
| <b>3***</b>                                        | Office                 | 400,000 Sq. Ft.       | 2,490,489,Sq. Ft      |
| (conceptual<br>approval only;<br>through 12/31/10) | Service Center         | 300,000 Sq. Ft.       | 832,479 Sq. Ft.       |
|                                                    | Retail                 | N/A                   | N/A                   |
|                                                    | Specialty Retail       | N/A                   | 50,000 Sq. Ft.        |
|                                                    | Hotel                  | N/A                   | 173 Rooms             |
|                                                    | Light Mfg.             | 100,000 Sq. Ft.       | 225,713 Sq. Ft.       |
|                                                    | <u>Day Care Center</u> | <u>N/A</u>            | <u>16,681 Sq. Ft.</u> |
|                                                    |                        |                       |                       |

\*\*\*Specific approval of revised Phase 3 is contingent upon further transportation analysis in accordance with Section 380.06, Florida Statutes.

**Section 5.**      The following language shall be included:

The project is approved for 2,854 p.m. peak hour external trips (548 Inbound/2,306 Outbound) through Revised Phase II.

12/23/05(2), 1/13/06

**Section 6.** A revised Master Plan of Development is attached hereto and made a part hereof as Revised Map "H". The only change to this Master Plan is the addition of the specific reference to "Office" on the 10.0 acre Hotel parcel and "Office" on the 6.4 acre Commercial (Specialty Retail) parcel. The Office use is a transfer of approved Office use to these parcels. Office is defined by Section 25.530.12 of the Temple Terrace Code of Ordinances (PROF). No increase in approved square footage is requested.

**Section 7.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 8.** The City Clerk is hereby directed to send copies of this Ordinance within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 9.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 10.** This Ordinance shall take effect immediately upon its passage, approval – and being posted or published as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 21<sup>st</sup> DAY OF February, 2006.**

**APPROVED BY THE MAYOR THIS 21<sup>st</sup> DAY OF February, 2006.**

**(CORPORATE SEAL)**

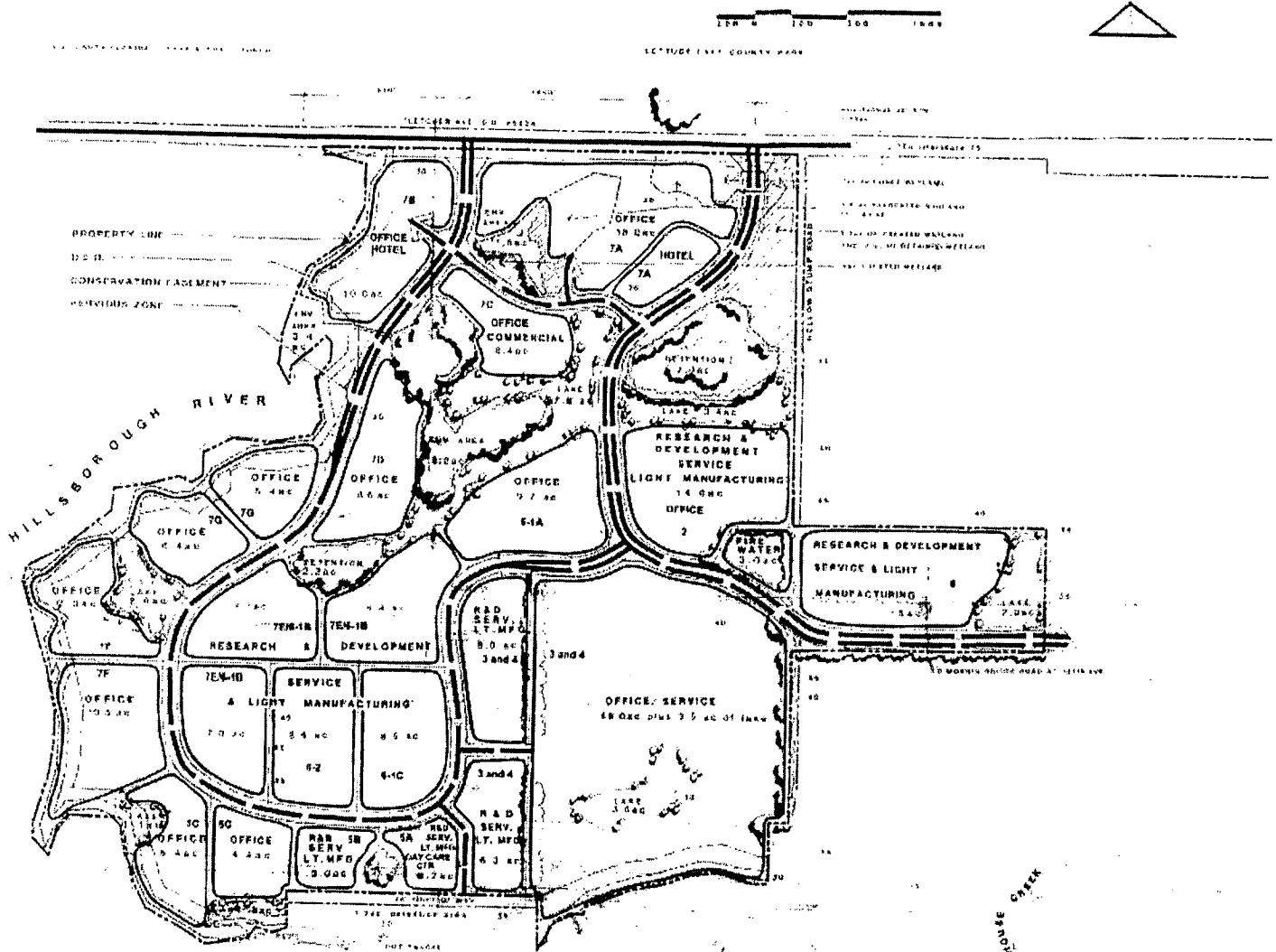


*Melissa E. Burns*  
**MELISSA E. BURNS, CITY CLERK**

*Joseph A. Affronti, Sr.*  
**JOSEPH A. AFFRONTI, SR., MAYOR**

12/23/05(2), 1/13/06

# REVISED MAP H



## LAND USE SUMMARY

| USE                                                   | ACRES                  | OTHER USES                                                  |       |
|-------------------------------------------------------|------------------------|-------------------------------------------------------------|-------|
| MAJOR OFFICE - SERVICE SITE                           | 49.5 plus 2.5 net land | ROADS                                                       | 20.28 |
| OFFICE SITE                                           | 16.3                   | ADDITIONAL P.W. FLEXIBLE ARE                                | 2.10  |
| COMBINATION SITES                                     | 98.0                   | LANDSCAPE BUFFER & OPEN AREA                                | 6.19  |
| Research & Development, Service & Light Manufacturing |                        | ENVIRONMENTAL AREAS (IN THIS CASE 100% ARE NOT DEVELOPABLE) | 13.06 |
| COMMERCIAL                                            | 215.0                  | ATTENTION AREAS                                             | 38.80 |
| HOTEL - RESEARCH & DEV                                | 10.0                   | TOTAL OTHER USES                                            | 90.7  |
| FIRE & WATER                                          | 3.0                    | TOTAL SITE AREA                                             | 328.0 |
| TOTAL NET DEVELOPABLE ACRES                           | 216.3                  |                                                             |       |

NOTE: ATTENTION AREAS INCLUDE THE FOLLOWING:

|                                             |      |
|---------------------------------------------|------|
| 1. Environmental Areas, designated by local | 11.6 |
| 2. Local retained wetland areas             | 1.1  |
| 3. Lakes                                    | 1.2  |
| 4. Retention areas                          | 1.2  |
| 5. Other areas designated by local          | 1.7  |
|                                             | 13.9 |

GTE/COLLIER-326  
Temple Terrace  
Hillsborough County, Florida

## DEVELOPMENT PLAN

### REVISED MAP H

July 4, 2008  
September 23, 2008  
October 31, 2008  
December 15, 2008  
January 4, 2009

Prepared by

Murphy LaRocca Consulting Group, Inc.  
101 East Kennedy Blvd.  
Suite 2020  
Tampa, FL 33602



#116



# 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

September 29, 2005

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: City of Temple Terrace – Development of Regional Impact (“DRI”) Amendment  
To GTE/Collier-326 (Tampa Telecom Park DRI)

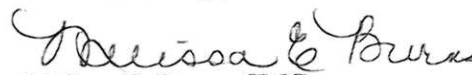
Dear Ms. Winningham and Mr. Meyers:

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”) the above-referenced DRI Amendment.

Enclosed is a certified complete copy of Ordinance No. 1133 adopted by the City Council of the City of Temple Terrace, Florida, on December 21, 2004. This ordinance extends the build out and expiration date of the project.

Problems with one of the attachments to the above referenced document, requiring a scrivener’s error ordinance, which is being rendered to you under separate cover, prevented me from rendering this document to you in a timely manner.

Sincerely,

  
Melissa E. Burns, CMC  
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](http://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. 1133**, approved and adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of December 21, 2004, 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 23rd day of September, 2005.



A handwritten signature in cursive script, reading "Melissa E. Burns".

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

ORDINANCE NO. 1133

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, and ORDINANCE NO. 1001, TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENTS TO SECTION 4 OF THE DEVELOPMENT ORDER TO EXTEND THE BUILDOUT AND EXPIRATION DATES OF THE PROJECT; PROVIDING SPECIFIC APPROVAL FOR REVISED PHASE 2; PROVIDING FOR ADDITIONAL MITIGATION BY THE DEVELOPER, AND REVISING THE TRANSPORTATION PROPORTIONATE SHARE ANALYSIS TO CONSIDER THE IMPACTS OF REVISED PHASE 2; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

WHEREAS, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

WHEREAS, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

WHEREAS, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revise the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that while the proposed amendments are presumed to create a substantial deviation, that the Developer has provided sufficient information to rebut this presumption, and that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1.**      **Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also known as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2.**      **Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A.      The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B.      All statutory procedures have been adhered to.
- C.      The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**Section 3. Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

- A. Section 4., Paragraph N, subparagraph 1 of the Development Order is hereby amended to read as follows:

| REVISED PHASE     | LAND USE         | PHASE AMOUNT      | CUMULATIVE TOTAL |
|-------------------|------------------|-------------------|------------------|
| 1                 | Office           | 1,104,433 Sq. Ft. | 1,104,433 Sq. Ft |
| (Existing)        | Service Center   | 132,479 Sq. Ft.   | 132,479 Sq. Ft.  |
| Development)      | Retail           | N/A               | N/A              |
|                   | Specialty Retail | N/A               | N/A              |
|                   | Hotel            | 173 Rooms         | 173 Rooms        |
|                   | Light Mfg.       | 125,713 Sq. Ft.   | 125,713 Sq. Ft.  |
| 2                 | Office           | 986,056 Sq. Ft.   | 2,090,489,Sq. Ft |
|                   | Service Center   | 400,000 Sq. Ft.   | 532,479 Sq. Ft.  |
| (12/1/04 through  | Retail           | N/A               | N/A              |
| 12/31/10)         | Specialty Retail | 50,000 Sq. Ft.    | 50,000 Sq. Ft.   |
|                   | Hotel            | N/A               | 173 Rooms        |
|                   | Light Mfg.       | N/A               | 125,713 Sq. Ft.  |
| 3***              | Office           | 400,000 Sq. Ft.   | 2,490,489,Sq. Ft |
|                   | Service Center   | 300,000 Sq. Ft.   | 832,479 Sq. Ft.  |
| (conceptual       | Retail           | N/A               | N/A              |
| approval only;    | Specialty Retail | N/A               | 50,000 Sq Ft     |
| through 12/31/10) | Hotel            | N/A               | 173 Rooms        |
|                   | Light Mfg.       | 100,000 Sq. Ft.   | 225,713 Sq. Ft.  |

\*\*\*Specific approval of Revised Phase 3 is contingent upon further transportation analysis in accordance with Section 380.06, Florida Statutes.

- B. Section 4., Paragraph R., Contributions, of the Development Order is hereby amended to read as follows:

- 1. Deleted in its entirety.
- 2. Deleted in its entirety and hereby amended to read as follows:

The Developer has previously contributed \$2,197,980.00 for transportation impacts through Revised Phase 2. The current analysis reveals that the proportionate share calculation through Revised Phase 2 is



\$1,891,502.00. Therefore, the Developer has paid an excess of \$306,478.00 towards transportation-related impacts. This overage could be applied toward the future approval of Revised Phase 3, if applicable.

C. The first sentence of Section 5. of the Development Order is hereby amended to read as follows:

This Development Order shall remain in effect until December 31, 2012 (project expiration date).

**Section 5.** The following site related improvements shall be constructed by the Developer:

- (a) Within eighteen (18) months from meeting signal warrants, Developer, at Developer's expense, shall design, permit and construct a second northbound left turn on Telecom Drive at Fletcher Avenue and signal when warranted by the Manual on Uniform Traffic Control Devices ("MUTCD"). Developer shall initiate a signal warrant analysis within thirty (30) days of the adoption of the Development Order Amendment and shall do so annually until the signal warrants are met; and
- (b) Within fifteen (15) months from the adoption of the Development Order Amendment, the Developer, at Developer's expense, shall design, permit and construct a north bound "free flow" right turn lane on Telecom Parkway at Fletcher Avenue.

**Section 6.** A revised Master Plan of Development is attached hereto and made a part hereof as Exhibit "H". The only changes to this Master Plan is the addition of the specific reference to "Office" on the 14 acre Lot 2 and substituting "Specialty Retail" for "Commercial" on the 8.4 acre Lot 7C.

**Section 7.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 8.** The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 9.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 10.** This Ordinance shall take effect immediately upon its passage, approval - and being posted or published as required by law.

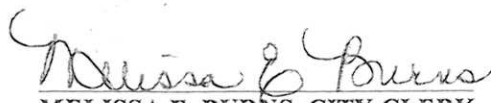
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 24 DAY OF DECEMBER, 2004.

APPROVED BY THE MAYOR THIS 24 DAY OF DECEMBER, 2004.

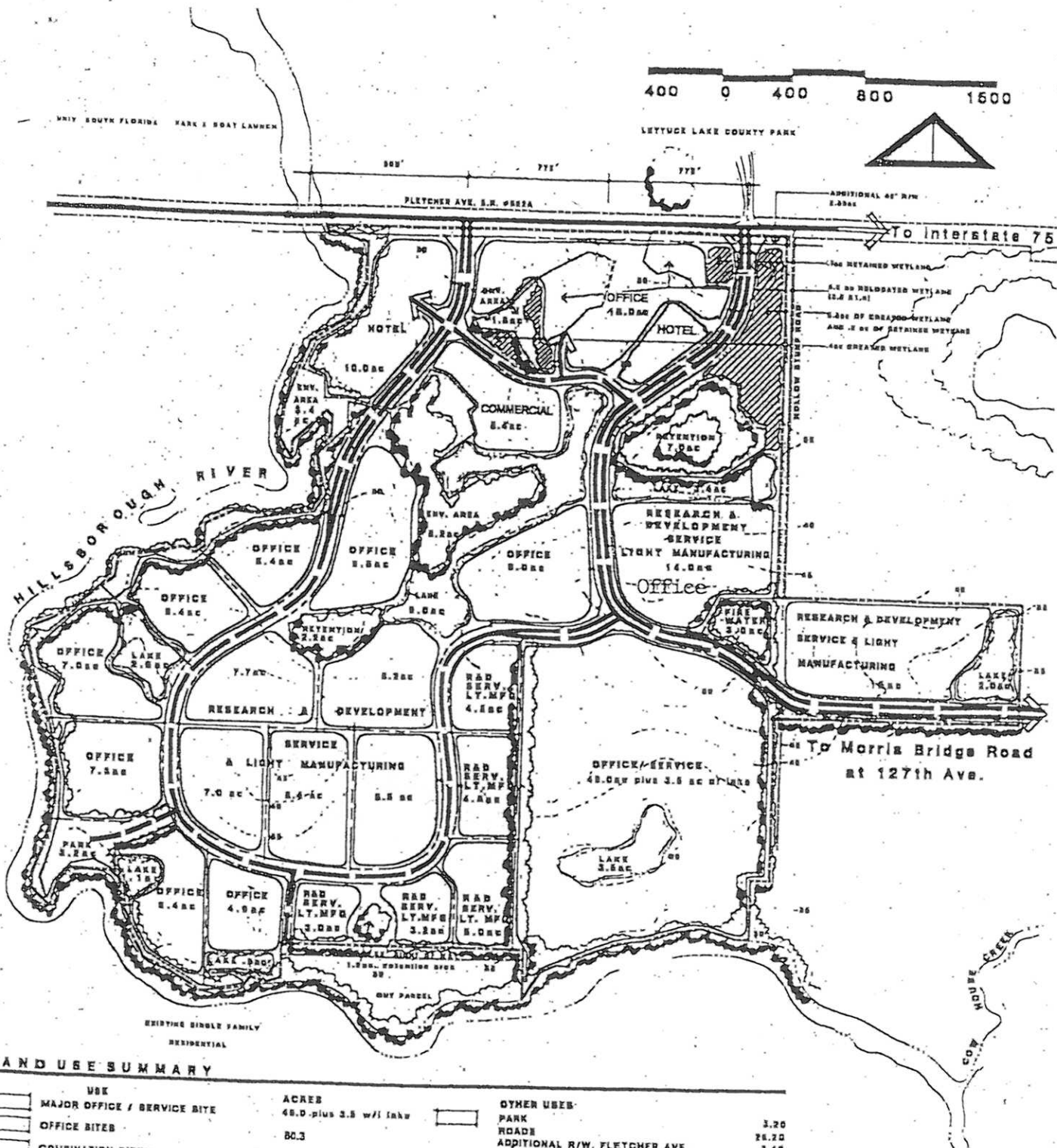
(CORPORATE SEAL)

  
JOSEPH A. AFFRONTI, SR., MAYOR

ATTEST:

  
MELISSA E. BURNS, CITY CLERK

# 1810697\_v3



# LAND USE SUMMARY

| USE                                                   | ACRES                 | OTHER USES                                                             |       |
|-------------------------------------------------------|-----------------------|------------------------------------------------------------------------|-------|
| MAJOR OFFICE / SERVICE BITE                           | 48.0 plus 3.5 w/ lake | PARK                                                                   | 3.20  |
| OFFICE BITES                                          | 80.3                  | ROADS                                                                  | 75.20 |
| COMBINATION BITES                                     | 85.3                  | ADDITIONAL R/W, FLETCHER AVE.                                          | 2.40  |
| Research & Development, Service & Light Manufacturing | 706.6                 | LANDSCAPE BUFFER & OPEN AREA                                           | 1.25  |
| COMMERCIAL                                            | 0.4                   | ENVIRONMENTAL AREAS (HEAVY LANDSCAPE 12/1/80) (E.D.B. RIVER CONNECTED) | 41.30 |
| HOTEL - Residence Inn                                 | 12.0                  | RETENTION AREAS                                                        | 41.30 |
| FIRE STATION                                          | 228.8                 | TOTAL OTHER USES                                                       | 84.40 |
|                                                       | 3.0                   | TOTAL BITE AREA                                                        | 328.0 |
| TOTAL NET DEVELOPABLE ACRES                           | 231.6                 |                                                                        |       |

NOTE: RETENTION AREAS INCLUDE THE FOLLOWING:

|                                                 |      |
|-------------------------------------------------|------|
| 1. Environmental areas, disconnected from river | 11.0 |
| 2. Small retained wetlands areas                | .9   |
| 3. Lakes                                        | 22.5 |
| 4. Detention areas                              | 1.2  |
| 5. Circled wetlands mitigation areas            | 5.7  |
|                                                 | 41.3 |

GTE/COLLIER - 328  
Temple Terrace  
Hillsborough County, Florida

## DEVELOPMENT PLAN

REVISED MAP H  
May 19, 1999

EXHIBIT H



# 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

September 29, 2005

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 Tampa Telecom Park 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. 1150, adopted by the City Council of the City of Temple Terrace, Florida, on July 19, 2005, adopting a scrivener's error ordinance related to the adoption of Ordinance No. 1001 and Ordinance No. 1133, by changing the use designation on a 3.2 acre parcel from "Park" to "Office" as originally approved by Ordinance No. 585.

Sincerely,

Melissa E. Burns, CMC  
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](http://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. 1150**, adopting a scrivener's error ordinance correcting an error in DRI Map "H", adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of July 19, 2005, 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 29<sup>th</sup> day of September, 2005.

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



ORDINANCE NO. 1150

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE ADOPTING A SCRIVENER'S ERROR ORDINANCE AMENDING ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, 600, 682, 717, 821, 1001, AND 1133, TOGETHER CONSTITUTING A DEVELOPMENT ORDER FOR TAMPA TELECOM PARK DEVELOPMENT OF REGIONAL IMPACT (DRI # 326 FOR GTE/COLLIER), TO CORRECT AN ERROR IN DRI MAP H WHICH OCCURRED IN THE ADOPTION OF ORDINANCE NO. 1001 AND ORDINANCE NO. 1133, BY CHANGING THE USE DESIGNATION ON A 3.2 ACRE PARCEL FROM "PARK" TO "OFFICE" AS ORIGINALLY APPROVED BY ORDINANCE NO. 585; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Application for Development Approval (ADA) for the GTE/Collier-326 DRI (now known as Tampa Telecom Park) was submitted to review agencies in August, 1984. Map H Development Plan contained in the ADA depicted a 3.2 acre private Park lying south of a 7.3 acre Office parcel and northwest of a 1.1 acre Lake and 6.4 acre Office parcel in the southwest quadrant of the development ("3.2 ac. Parcel"); and

WHEREAS, the DRI Development Order (D.O.) for the project was initially approved by the City of Temple Terrace on March 29, 1985 by Ordinance #544. Two site plan maps were adopted as attachments to the D.O., the first, a project phasing map contained in Composite Exhibit "C" depicted a 3.2 acre Park in the same location as the park shown on the Map H Development Plan (i.e., in the southwest quadrant of the development), and the second, a map described as being the "Revised Final Development Map, which superseded Map H of the ADA" was identified as Exhibit "D". (Currently, Exhibit D, "Revised Final Development Map" cannot be located in the public records);

WHEREAS, on June 17, 1986, the City of Temple Terrace adopted Ordinance #585 as the First Amendment to the GTE/Collier-326 DRI Development Order. Although the description of the proposed changes in the body of Ordinance #585 did not describe a change to the Map H Development Plan, a map labeled "EXHIBIT D", dated 3/28/85, and titled Schematic Land Use Plan was attached to Ordinance #585. The Schematic Land Use Plan Map did not depict the 3.2 ac Parcel as "Park", and instead included this parcel within the larger parcel labeled as "Office". (Additionally, given the Schematic Land Use Plan Map attached to Ordinance #585 is titled Exhibit D with a date of 3/28/85 (i.e., date of adoption of the original D.O., Ordinance #544) it is possible, it was the same Exhibit D referred to in Ordinance #544 as the "Revised Final Development Plan Map which shall supersede Map H of the ADA" and that the park may have been intended to be deleted as part of the original D.O. approval.)

WHEREAS, on October 10, 1986, the City adopted Ordinance #600 as the Second Amendment to the D.O. and on February 7, 1989, adopted Ordinance #682 as the Third Amendment to the D.O. These amendments addressed proposed changes to the signage



requirements established for the development and did not make any changes to the proposed May H Development Plan. Additionally, on April 3, 1990, the City adopted Ordinance #717 as the Fourth Amendment to the D.O. This amendment specifically deleted a condition that required monitoring of a habitat created for wood stork within the development and did not make any changes to the Map H Development Plan.

**WHEREAS**, on July 24, 1992, the developer submitted a Notification of a Proposed Change (1992 NOPC) to the GTE/Collier-326 DRI to reviewing agencies, and while this NOPC did not specifically request any change to the Map H Master Development Plan, during the review of the 1992 NOPC, the Florida Department of Community Affairs (DCA) first became aware of the First Amendment to the development order (Ordinance #585). In a November 30, 1992 memorandum from John E. Baker, Planning Manager, to Tom Beck, Chief, Bureau of State Planning (attached Exhibit 1), it was noted that the First Amendment was never rendered to DCA as required by Section 380.06(19), Florida Statutes. The City complied with DCA's request to render a complete copy of Ordinance #585 (First Amendment) on October 29, 1992 and it was received by DCA on November 18, 1992; and

**WHEREAS**, upon receipt of a complete rendered First Amendment (with all attachments and exhibits), DCA staff conducted a review of all the 1986 proposed changes, and acknowledged the changes included the "deletion of 3.20 acres of parkland". Although DCA's internal memorandum indicates that the proposed changes to the Master Plan are presumed to create a substantial deviation, they found that the changes "will not result in any additional impacts beyond those previously reviewed in the original application approval process" and DCA did not appeal the D.O. Amendment. In a subsequent internal memo dated December 28, 1992 to Mr. Beck (attached hereto as Exhibit 2) regarding the 1992 NOPC and subsequent D.O. amendment (Fifth Amendment), Mr. Baker included a description of the changes approved in the First Amendment, referred back to the November 30, 1992 memorandum and again stated that the adopted changes do not create any additional regional impacts. The City approved the changes proposed in the 1992 NOPC by adoption of Ordinance #821 (The Fifth Amendment) on November 3, 1992; and

**WHEREAS**, on July 20, 1999, the City adopted Ordinance #1001 as the Sixth Amendment to the Development Order which approved a modification to the Map H Development Plan that re-designated the land uses on two parcels in the north central area of the development. The Map H Development Plan dated May 19, 1999, and attached thereto as Exhibit H, erroneously depicted the 3.2 acre Parcel as a "Park" instead of as "Office" as was intended and approved by Ordinance #585, the First Amendment; and

**WHEREAS**, on December 21, 2004, the City adopted Ordinance #1131 as the Seventh Amendment to the Development Order which approved certain changes among which was a "minor modification" of the Map H Development Plan, which added the specific reference to "Office" on the 14 acre/ Lot 2 and substituted "Specialty Retail" for "Commercial" on the 8.4 acre/ Lot 7C; and

**WHEREAS**, attached hereto as Exhibit 3, is the Affidavit of James Shimberg, attorney for GTE-Collier, the developer/applicant for the Sixth and Seventh Amendments to the D.O.,

who attests that the wrong map was attached to the Sixth and Seventh Amendments, that both Maps "incorrectly" showed the 3.2 acre parcel as "Park", and that the correct map should have been a revised version of the one attached to Ordinance #585 (the First Amendment) which showed the 3.2 acre Parcel as Office; and

**WHEREAS**, Telecom Lot F, LLC, former owner of the subject 3.2 acre parcel, purchased and sold the parcel with the understanding that the parcel was designated as "Office" and has requested this Scrivener's Error Ordinance, and has executed a companion agreement to this Scrivener's Error Ordinance to assure the City that if either DCA or TBRPC objects to the validity of this Ordinance, Telecom Lot F shall file a formal Notice of Proposed Change to make the correction stated herein; and .

**WHEREAS**, based on the foregoing facts and representations, the City finds that the 3.2 acre Parcel in the southwestern portion of the site should be designated as "Office", not "Park" and that this Scrivener's Error Ordinance is necessary to make such correction.

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

**Section 1.** The recital clauses set forth above are incorporated as if fully set forth herein.

**Section 2.** Ordinance No. 544, as amended by Ordinance No. 585, 600, 682, 717, 821, 1001, and 1133, which collectively constitute the Tampa Telecom Park DRI Development Order, are hereby amended to correct a scrivener's error in DRI Map H, by changing the land use designation on a parcel of land located in the southwest quadrant of the DRI property from "park" to "office", as originally intended and approved by Ordinance No. 585. Map H dated \_\_\_\_\_, attached hereto as Exhibit 4 and made part hereof, which reflects such change is hereby approved and adopted as the correct Map H for the Tampa Telecom Park DRI Development Order.

**Section 3.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380..

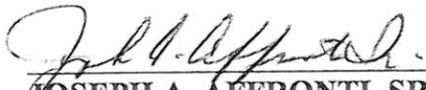
**Section 5.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 6.** This Ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE  
TERRACE, FLORIDA THIS 19<sup>th</sup> DAY OF July, 2005.

APPROVED BY THE MAYOR THIS 19<sup>th</sup> DAY OF July, 2005.

(CITY SEAL)

  
JOSEPH A. AFFRONTI, SR.  
MAYOR

ATTEST:

  
Melissa E. Burns, City Clerk

EXHIBIT "1"



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES  
Governor

LINDA LOOMIS SHELLEY  
Secretary

M E M O R A N D U M

TO: *JB* Tom Beck, Chief, Bureau of State Planning  
THROUGH: Alex Magee, DRI Section Administrator *JAM 12/1/92*  
FROM: *JB* John E. Baker, Planning Manager 11-30-42  
RE: ADA 885-017; GTE-Collier 326  
Amended Development Order  
DATE: November 30, 1992

Appeal Deadline

On July 17, 1986, the Temple Terrace City Commission adopted an amended development order, Ordinance No. 585, for GTE-Collier 326 development of regional impact (DRI). The amendment was rendered to the Department on October 29, 1992, and was received by the Bureau on November 18, 1992. The Department's 45-day deadline for filing an appeal to the 1986 amended development order is December 11, 1992.

Background History

The original development orders for GTE-Collier 326 were adopted in 1985 by the City of Temple Terrace and Hillsborough County. (At the time of the original approval of the DRI, a small section of the development was located in unincorporated Hillsborough County. All of the development has since been annexed within the corporate limits of the City of Temple Terrace.)

A notice of proposed change (NOPC) was submitted by the developer of GTE-Collier 326 in July 1992, requesting several changes to the project's development order conditions. During the review of this NOPC, staff discovered that the development order was first amended in 1986 and that the amended development order was not rendered to the Department. The Department then

Memo to Tom Beck  
November 30, 1992  
Page Two

requested the City to render a copy of the 1986 amended development order to the Department for review pursuant to Section 380.06(19), F.S.

Subsequently, the City rendered the 1986 amended development order to the Department; however, the Department determined that the development order was not properly rendered because the exhibits referred to in the amendment were not submitted with the amended development order. On October 29, 1992, the City rendered again the 1986 amended development order with the referenced exhibits. This memorandum details staff review of the 1986 amendment to the development order.

#### Project Description

GTE Collier 326 DRI is located in the City of Temple Terrace. As approved, GTE Collier 326 is a mixed use project consisting of 2,050,000 square feet of gross leasable office space, 1,000,000 square feet of gross leasable service center development, 50,000 square feet of gross leasable floor area of retail use, 800,000 square feet of gross leasable floor area for light manufacturing, and a 350 room hotel. Buildout of the development is scheduled for 1995.

#### Previous Modifications

The D.O. was amended in 1986; however, the amended development order was not rendered to the Department, as noted above. The development order was amended again in 1989. This amendment was determined not to be a substantial deviation and the Department did not appeal the development order.

#### Adopted Changes to the Development Order

The 1986 amendment to the development order provided for the following changes:

- a) Submittal of annual drainage reports based on drainage basins;
- b) Modification of the building development schedule to allow for development flexibility based on a land use exchange mechanism;
- c) Modification of the payment schedule for development fees;
- d) Further defined water and sewer exactions based on final land use determinations;



Memo to Tom Beck  
November 3, 1992  
Page Three

- e) Deletion of the buildout dates of the various phases of the development; and
- f) revisions to the adopted Master Plan of development by eliminating geographic phasing and reducing the acreage of some of the approved uses.

#### Staff Analysis and Identification of Regional Issues

The above changes to the development order were reviewed by staff pursuant to the applicable criteria in s. 380.06, F.S., and 9J-2, F.A.C. Pursuant to section 380.06(19)(e)3., F.S., the changes to the development order are presumed to create a substantial deviation.

The 1986 amended D.O. allows the use of a limited land use trade-off mechanism between approved land uses. Staff has identified the following concerns with the trade-off mechanism:

- a) the land use exchange mechanism does not include minimum and maximum caps for each land use;
- b) the land use exchange mechanism does not address the impacts of the exchange on other public facilities, namely potable water, sanitary sewer and solid waste facilities; and
- c) the land use exchange mechanism does not include an exchange or conversion factor for land uses that will be traded.

The 1986 amended development order also deletes the dates of buildout for the phases of the development and the ultimate date of buildout of the project that were established in the original development order. The phasing of the development is now based entirely on the peak hour trip thresholds established in the amended D.O. The only other limiting factor to the development schedule is the termination date of the development order which is set for the year 2000. The phasing schedule in the original development order is as follows: and Phase I (1985 - 1986); Phase II (1986 - 1989); Phase III (1989 - 1992); and Phase IV (1992 - 1995).

The development was projected to be completed five years before the termination date of the development order. In allowing the development to proceed without specific phasing buildout dates and a project buildout date, the development may impact public facilities at a later time than was projected in the impact analyses. The occurrence of the project's impacts on public facilities, such as roadways, at a later date than was

Memo to Tom Beck  
November 3, 1992  
Page Four

envisioned in the impact analyses may be significant and may constitute a substantial deviation. The developer has not provided any information to rebut this presumption.

The changes to the adopted Master Plan: relocation of land uses, deletion of geographic phasing, reduction of commercial acreage, increase in office acreage, and the deletion of 3.20 acres of parkland are presumed to create substantial deviation pursuant to s. 380.06(19)(e)3 and (5)(c), F.S. However, it staff's opinion that the above changes to the adopted Master Plan will not result in any additional impacts beyond those previously reviewed in the original application approval process.

The above concerns were raised by the Department's representative at the public hearing that was scheduled to discuss the 1992 proposed changes to the development order. The developer, the developer's attorney and the City are aware of the Department's concerns with the 1986 amendment and have committed to address the Department's concerns with further revisions to the amended development order. It's our understanding that the City has adopted an amendment to the D.O. on November 3, 1992. We have reviewed a draft of that amended development order and have indicated to the City that it addresses our concerns with the 1986 amendment.

#### Summary

The changes approved in the 1986 development order are presumed to create a substantial deviation. As explained in this memorandum, staff has several concerns with those changes. However, it appears that the November 3, 1992, amendment will address the Department's concerns. As stated before, staff had the opportunity to review and comment on the draft amended development order prior to adoption by the City Council and recommended changes that will effectively address the concerns raised above. The City has not rendered that amendment to the Department as yet.

In communication with the City Manager, Tom Bonfield, the Department was told that the amendment will be rendered to the Department this week (12/5/92).

EXHIBIT "2"



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES  
Governor

LINDA LOOMIS SHELLEY  
Secretary

MEMORANDUM

TO: Tom Beck, Chief, Bureau of State Planning  
THROUGH: Alex Magee, DRI Section Administrator  
FROM: John E. Baker, Planning Manager 12-28-92  
RE: ADA 885-017; GTE-Collier 326  
Amended Development Order  
DATE: December 28, 1992

Appeal Deadline

The City of Temple Terrace City Council has adopted a development order, Ordinance No.821, amending the development order for GTE-Collier 326 development of regional impact (DRI). The amended development order was rendered to the Department on November 24, 1992, and was received in the Bureau on December 3, 1992. The Department's 45-day deadline for filing an appeal is January 8, 1993.

Project Description

See attached Substantial Deviation Determination memorandum dated August 19, 1992.

Background History

The original development orders for GTE-Collier 326 were adopted in 1985 by the City of Temple Terrace and Hillsborough County. At the time of the original approval of the DRI, a small section of the development was located in unincorporated Hillsborough County. The entire development has since been annexed within the corporate limits of the City of Temple Terrace.

A notice of proposed change (NOPC) was submitted by the developer of GTE-Collier 326 in July 1992, requesting several

Memo to Tom P. K.  
December 28, 1992  
Page Two

changes to the project's development order conditions. During the review of the July, 1992, NOPC, staff discovered that the development order was amended in 1986, and that an amended development order was not rendered to the Department. The Department requested the City to render a certified copy of the 1986 amended development order for review pursuant to Section 380.06(19), F.S.

Subsequently, the 1986 amended development order was submitted to the Department; however, the Department determined that the development order was not properly rendered because the exhibits referred to in the amendment were not submitted with the amended development order. The amended order was rendered again on October 29, 1992, and is the subject of staff memorandum ADA-885-017; GTE-Collier 326 Amended Development Order dated November 30, 1992. (See attached Amended Development Order memorandum.) In that memorandum, staff identified a number of concerns with the 1986 amendment to the D.O.; however, the Department did not file an appeal because the 1992 amendment to the D.O., which was rendered to the Department prior to the expiration of the appeal period for the 1986 amendment, addressed the concerns raised by staff. It should be noted that staff also attended the public hearing that was scheduled to discuss the 1992 amendment to the development order, and at that meeting raised the Department's concerns with the 1986 amendment and the proposed 1992 amendment to the development order.

#### Previous Modifications

See attached Substantial Deviation Determination memorandum dated August 19, 1992

#### Adopted Changes to the Development Order

The amended development order provides for the following:

- 1) A land use trade-off mechanism based on trip generation rates. Light manufacturing and commercial/retail uses would be capped at 350,000 and 50,000 square feet, respectively;
- 2) A clarification of the process for calculation of credits for construction of road improvements;
- 3) The extension of the date of buildout of Phase I by six years (1986 to 1992);

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Page Three

- 4) The extension of the commencement date and the date of buildout for Phase II by six years, the revised dates are 1992 and 1995, respectively;
- 5) The extension of the commencement date and the date of buildout for Phase III by six years, the revised dates are 1995 and 1998, respectively;
- 6) The extension of the commencement date and the date of buildout for Phase IV by six years and 5 years, respectively. The revised dates are 1998 and 2000 respectively.

#### Staff Analysis

The above-cited changes to the development order were reviewed based on the criteria established in Section 380.06(19)(b), F.S. The changes to GTE-Collier's D.O. (land use trade-off mechanism and changes in the method for calculation of development credits) are presumed to create a substantial deviation pursuant to s. 380.06(19)(e)3., F.S. The applicant has provided evidence to rebut this presumption. The land use trade-off mechanism is based on peak hour trip generation rates, and a conversion table by trip generation rates per 1000 sq. ft. for each land use is included in the D.O. Impacts on potable water, solid waste, and wastewater facilities will also be taken into consideration when the land use trade-off mechanism is being used. The land use trade-off mechanism also incorporates "minimum caps" for each land use to ensure that the development remains a mix use project. "Maximum caps" for commercial and light industrial land uses are also established in the D.O.

The amended development order further states "[t]he developer shall provide the Department with a copy of any proposed trade-off calculation for its review and approval prior to the trade-off becoming effective". It is not clear whether the Department's review and approval of land use trade-offs will be done through the notice of proposed change (NOPC) process. However, this is not a major concern if the land use trade-offs are consistent with the amended development order because no additional regional impacts will be created if trade-offs are consistent with the development order.

The revised land use trade-off mechanism, as included in this amendment (1992) to the development order, addresses all the issues raised by the Department regarding the land use trade-off mechanism that was included in the 1986 amendment. The revised land use trade-off mechanism establishes minimum and maximum caps for each land use, includes a conversion table by trip generation rates, and addresses impacts on other public facilities.



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December 28, 1992  
Page Four

The extension of the commencement dates and the dates of buildout for each phase of the development is presumed not to create a substantial deviation pursuant to s. 380.06(19)(c), F.S., as amended by CS/SB 1882 in the 1992 legislative session. The establishment of these dates in the D.O. addressed the other concern the Department raised with the 1986 amendment.

#### Recommendation

The adopted changes (land use trade-off mechanism and calculation of development credits) to the development order for GTE-Collier 326 DRI are presumed to create a substantial deviation pursuant to s. 380.06(19)(e)3., F.S. The applicant has provided information to rebut said presumption. The extension of the commencement dates and the dates of buildout for the various phases of the development by a period of six years is presumed not to create a substantial deviation.

The changes made to the development order pursuant to the 1992 amendment addressed the concerns raised by the Department regarding the 1986 amendment. Staff attended and participated in the public hearing that was held to discuss the 1992 changes to the development order. However, the applicant submitted additional information to the Department which rebutted the presumption of substantial deviation and has included appropriate provisions in the amended development order to ensure that the adopted changes do not create any additional regional impacts.



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LINDA LOOMIS SHELLEY

LAWTON CHILES  
Governor

Secretary

M E M O R A N D U M

TO: *Tom Beck* Tom Beck, Chief, Bureau of State Planning

THROUGH: Alex Magee, DRI Section Administrator *VH/7/26/92*

FROM: John E. Baker, Planning Manager *JB 08-19*

RE: ADA 885-017; GTE Collier 326  
Substantial Deviation Determination

DATE: August 19, 1992

Deadline for Notification of Intent to Participate in Public Hearing

On July 24, 1992, Mr. Richard E. Davis, representative for the developer of GTE Collier 326 DRI, notified the Department of proposed changes to the GTE Collier 326 development order. The notification was received in the Bureau on July 27, 1992. The Department's 30-day deadline for notifying the City of Temple Terrace of its intent to participate in the public hearing to discuss the proposed change is August 21, 1992.

Project Description

GTE Collier 326 DRI is located in the City of Temple Terrace and unincorporated Hillsborough County. Of the 326 acres comprising the project site, 306 acres are within the City of Temple Terrace and the remaining acreage in unincorporated Hillsborough County. As approved, GTE Collier 326 is a mixed use project consisting of 2,050,000 square feet of gross leasable office space, 1,000,000 square feet of gross leasable service center development, 50,000 square feet of gross leasable floor area of retail, 800,000 square feet of gross leasable floor area for light manufacturing, and a 350 room hotel. Buildout of the development is scheduled for 1995.

Memo to Tom Beck  
August 18, 1992  
Page Two

#### Previous Modifications

According to the applicant, the development order was amended in 1986 and 1989. However, based on our records the 1986 amendment was not rendered to the Department. Based on information obtained from TBRPC, the 1986 amendment made the following changes to the development order:

- a) Provided for submittal of annual drainage reports based on drainage basins;
- b) Provided for a modified building development schedule which allows for development flexibility;
- c) Provided for an amended payment schedule for development fees; and
- d) Further defined water and sewer exactions based on final land use determinations.

The 1989 amendment to the development order dealt with the design characteristics of the signs to be used in the development and was not a substantial deviation to the approved plan of development.

#### Proposed Modification to the Development Order

The applicant is currently proposing to modify the development order to include the following provisions:

- 1) A land use trade-off mechanism based on trip generation rates. Light manufacturing and commercial/retail uses would be capped at 350,000 and 50,000 square feet, respectively; and
- 2) The developer is also proposing to clarify the process for calculation of credits for construction of road improvements.

#### Staff Analysis

The above-cited changes to the development order were reviewed based on the criterion established in Section 380.06(19)(e)3., F.S., which states, in part, "... any change not specified in paragraph (b) and (c) shall be presumed to create a substantial deviation. The changes to GTE's D.O. (land use trade-off mechanism, and changes in the methods for calculation of development credits) are presumed to create a substantial deviation. The applicant has not submitted clear and convincing evidence to rebut this presumption. Furthermore, the land use

Memo to Tom Beck  
August 19, 1992  
Page Three

trade-off mechanism is being proposed as a clarification to a provision that was adopted as a part of the 1986 amendment to the development order. As stated before, this amendment was not rendered to the Department; therefore, the impacts of these changes on regional facilities and services cannot be adequately analyzed at this time.

The following issues were also identified in the review of the notice of proposed change:

- a) The land use trade-off mechanism does not address potential adverse impacts on the following public facilities: water, sewer, and solid waste;
- b) The trade-off mechanism does not address minimum and maximum caps for the following land uses: office, service center, day care and hotel. The applicant does not address whether the resulting plan of development after the various land uses have been traded will be consistent with the City's adopted comprehensive plan for the area.
- c) The trip generation rates recommended for the land use trade-off mechanism are not consistent with the rates from ITE's 5th Edition Trip Generation Manual and are not tied to specific land uses as cited in the manual. For example, the specific type of office use (general office, medical office, etc.) that was approved in the ADA should be used to derive trip generation rates. Furthermore, the proposed internal trip capture rates appear to be too high;
- d) The land use trade-off mechanism includes day-care facilities as a trade-off land use; however, day care facility is not an approved land use in the original plan of development for GTE/Collier 326 DRI; and
- e) It is not clear why Retail use is included in the land trade-off mechanism table since Retail use is not one of the use that will be traded.

#### Recommendation

The proposed changes are presumed to create a substantial deviation and may result in additional impacts on regional facilities and services. The applicant has not provided any evidence to rebut said presumption. Furthermore, the amendment to the D.O. that was adopted in 1986 was not rendered to the Department. Therefore, I recommend that the Department send a letter to the City outlining the issues identified in the

Memo to Tom Beck  
August 19, 1992  
Page Four

analysis of the notice of proposed change. The Department should send a representative to participate in the public hearing to discuss the changes. The Department should also ask the City to render the 1986 amendment to the Department and ask the applicant to file a notice of proposed change with Hillsborough County since the County has jurisdiction over a portion of this project.

cc: David Jordon



**AFFIDAVIT OF JAMES H. SHIMBERG, JR., ESQ., REGARDING THE TAMPA  
TELECOM PARK DRI**

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared James H. Shimberg, Jr., Esq., who, after being duly sworn, deposes and says:

1. My name is James H. Shimberg, Jr. and I am over 18 years of age.
2. I make this affidavit based on personal knowledge of the assertions contained herein.
3. I am a partner with the law firm of Holland & Knight LLP and my office is located at 100 North Tampa Street, Suite 4100, Tampa, FL.
4. Our firm represents the GTE-Collier Joint Venture in connection with their ownership and development of that certain property in the City of Temple Terrace, Florida known as the Tampa Telecom Park development of regional impact. The GTE-Collier Joint Venture is the developer of the Tampa Telecom Park project and is referred to herein as the ("Developer").
5. My personal representation for this project began with the 1999 amendment to the DRI. Prior to that, Richard Davis, then a partner of Holland & Knight worked on this project.
6. Holland & Knight was not DRI counsel to the GTE-Collier Joint Venture until approximately 1992 although we did the real estate work for the project.

7. In 1985, the City of Temple Terrace approved Ordinance No. 544, which was the original development order for the Tampa Telecom Park DRI.

8. Ordinance 544 incorporated the Application for Development Approval (the "ADA") for the Tampa Telecom DRI (then known as the GTE/Collier 326 DRI), which in turn attached a Development Plan referred to as Exhibit or Map "H."

9. The 1985 version of Map "H" showed an approximately 3.2 acre park at the southwest corner of the Tampa Telecom DRI property.

10. In 1986, the City of Temple Terrace amended the Tampa Telecom DRI by enacting Ordinance No. 585.

11. Ordinance 585 incorporated a revised Development Plan for the Tampa Telecom DRI.

12. The revised Development Plan is referenced in Ordinance 585 as Composite Exhibit "C." Composite Exhibit "C" did not include the park shown on the earlier 1985 Development Plan.

13. Based on a review of a State of Florida Department of Community Affairs (DCA) memorandum dated November 30, 1992 prepared by John E. Baker, Planning Manager to Tom Beck, Chief of the Bureau of State Planning, it was determined by DCA staff that, during the review of a notice of proposed change submitted by the developer of GTE-Collier 326 in July 1992, the development order was first amended in 1986 and that the amended development order was to rendered to the Department of Community Affairs.

14. The DCA memorandum states: "On July 17, 1986, the Temple Terrace City Commission adopted an amended development order, Ordinance No. 585, for GTE-Collier 326 development of regional impact".

15. The amended development order (Ordinance No. 585) was rendered to the Department on October 29, 1992, and was received by the Bureau of State Planning on November 18, 1992.

16. The November 30, 1992 memorandum referred to changes to the adopted Master Plan from the 1986 NOPC and stated that the changes included "relocation of land uses, deletion of geographic phasing, reduction of commercial acreage, increase in office acreage, and deletion of 3.20 acres of parkland".

17. The November 30, 1992 memorandum determined that the Department concerns with the 1986 changes to the development order were addressed by the 1992 amendment.

18. In 1999, I was asked by the Developer to prepare a Notice of Proposed Change to amend the Tampa Telecom DRI. This is referred to as the ("1999 NOPC").

19. The amendment was approved by the City of Temple Terrace as Ordinance No. 1001.

20. Another DRI amendment application ("the 2004 NOPC") was considered by the City of Temple Terrace in 2004.

21. The 2004 NOPC also included a copy of the superceded 1985 Development Plan, Map "H."

22. The 2004 NOPC was approved by the City of Temple Terrace in Ordinance 1133.

23. Ordinance 1133 also contained no mention of a park and did not attempt to amend the development plan for that portion of the property.

24. We have recently determined that the Map H approved with both the 1999 NOPC (Ordinance 1001) and the 2004 NOPC (Ordinance 1133) incorrectly shows the park reference.

25. In both instances, the correct Map H should have been a revised version of the Composite Exhibit C from Ordinance 585, which was approved by the City in June 1986.

26. Specifically, the Exhibit C does not show a "Park" area in the southwest portion of the DRI and the Map H submitted with both the 1999 and the 2004 NOPC incorrectly shows a 3.2 acre park in this area.

27. We do not know how the wrong map was attached to the 1999 NOPC and again incorporated into 2004 NOPC.

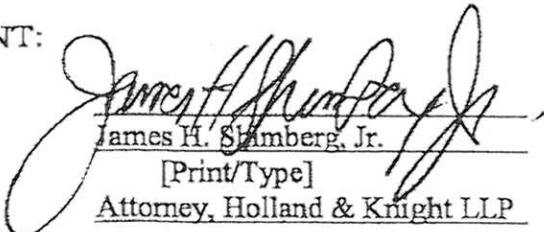
28. We request that the City recognize this scrivener's error and correct the maps for the project.

FURTHER AFFIANT SAYETH NAUGHT.

AFFIANT:

By:

Name:

  
James H. Stenberg, Jr.

[Print/Type]

Title:

Attorney, Holland & Knight LLP

Address:

100 North Tampa Street  
Suite 4100  
Tampa, Florida 33607

Telephone:

(813) 227-6412

SWORN to and SUBSCRIBED before me this 5th day of May, 2005, by James H. Shimberg, Jr., Esq., who is personally known to me.

*Bonnie J.B. Yaeger-Zezima*  
NOTARY PUBLIC, STATE OF  
Printed Name: Bonnie J.B. Yaeger-Zezima  
Commission No. DD353341  
Expires January 7, 2009  
Bonded Troy Firm - Insurance, Inc. 800-385-7019

My Commission Expires:

(Seal)

# 2681785\_v2

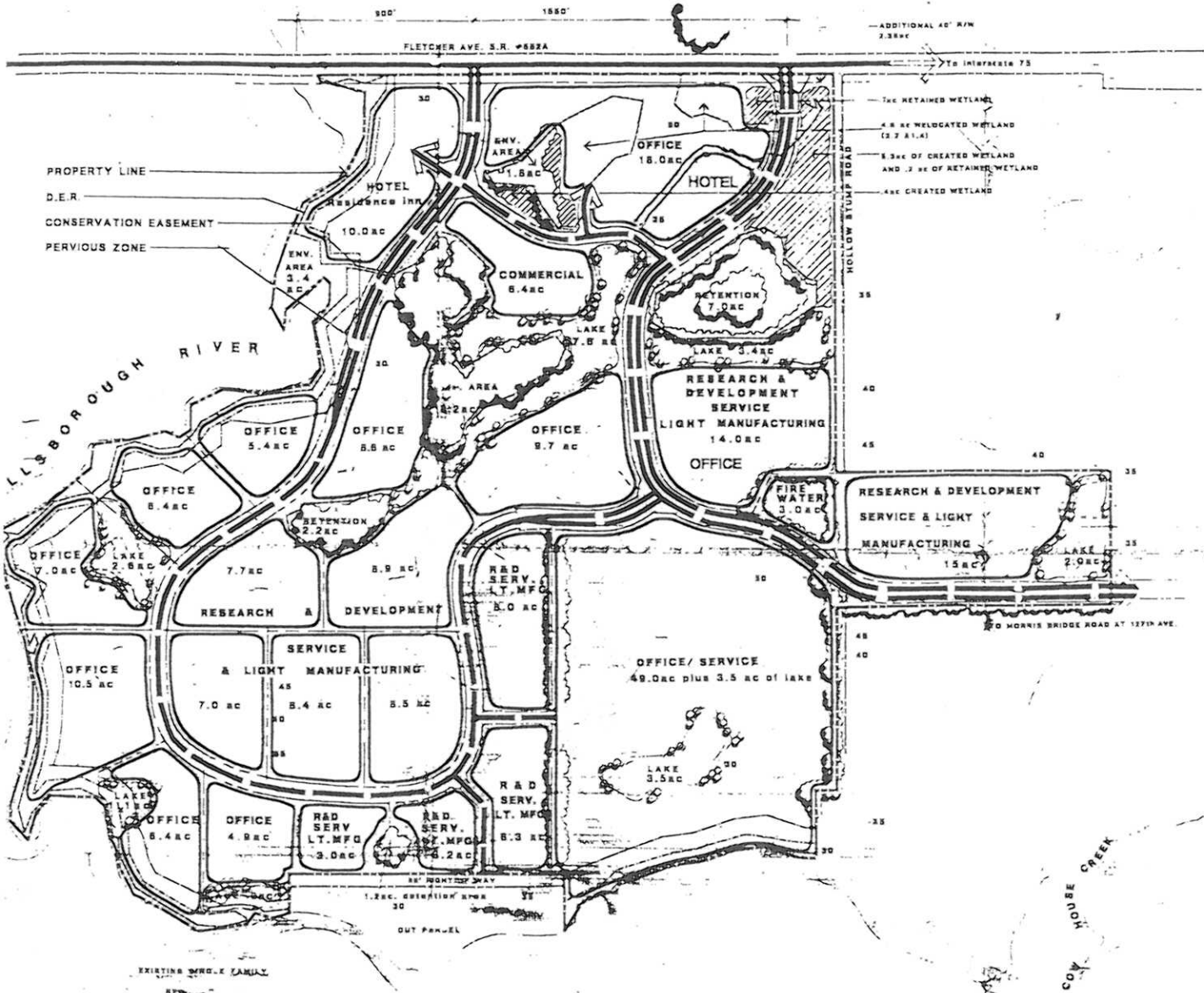


# EXHIBIT "4"

400 0 400 800 1600

LETTUCE LAKE COUNTY PARK

UNIV SOUTH FLORIDA PARK & BOAT LAUNCH



## LAND USE SUMMARY

| USE                                                   | ACRES                 |
|-------------------------------------------------------|-----------------------|
| MAJOR OFFICE / SERVICE SITE                           | 49.0 plus 3.5 w/ lake |
| OFFICE SITES                                          | 78.3                  |
| COMBINATION SITES                                     | 90.0                  |
| Research & Development, Service & Light Manufacturing | 215.0                 |
| COMMERCIAL                                            | 8.4                   |
| HOTEL - Residence Inn                                 | 10.0                  |
|                                                       | 232.2                 |
| FIRE & WATER                                          | 3.0                   |
| <b>TOTAL NET DEVELOPABLE ACRES</b>                    | <b>236.3</b>          |

## OTHER USES

|                                              |              |
|----------------------------------------------|--------------|
| ROADS                                        | 26.20        |
| ADDITIONAL R/W, FLETCHER AVE.                | 2.40         |
| LANDSCAPE BUFFER & OPEN AREA                 | 6.15         |
| ENVIRONMENTAL AREAS (HEIGHT 1.8800/2.78/3.0) | 18.05        |
| RETENTION AREAS                              | 39.90        |
| <b>TOTAL OTHER USES</b>                      | <b>90.7</b>  |
| <b>TOTAL SITE AREA</b>                       | <b>326.0</b> |

NOTE: RETENTION AREAS INCLUDE THE FOLLOWING:

1. Environmental areas, disconnected from river
2. Small retained wetland areas
3. Lakes
4. Detention areas
5. Created wetlands mitigation areas

11.0  
9  
21.1  
1.2  
5.7  
39.9

GTE/COLLIER - 326  
Temple Terrace  
Hillsborough County, Florida

## DEVELOPMENT PLAN

REVISED MAP H  
July 5, 2005

#116



# 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

September 29, 2005

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: City of Temple Terrace – Development of Regional Impact (“DRI”) Amendment  
To GTE/Collier-326 (Tampa Telecom Park DRI)

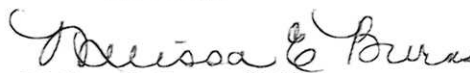
Dear Ms. Winningham and Mr. Meyers:

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”) the above-referenced DRI Amendment.

Enclosed is a certified complete copy of Ordinance No. 1133 adopted by the City Council of the City of Temple Terrace, Florida, on December 21, 2004. This ordinance extends the build out and expiration date of the project.

Problems with one of the attachments to the above referenced document, requiring a scrivener’s error ordinance, which is being rendered to you under separate cover, prevented me from rendering this document to you in a timely manner.

Sincerely,

  
Melissa E. Burns, CMC  
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](http://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. 1133**, approved and adopted by the Temple Terrace City Council at the Temple Terrace Council Meeting of December 21, 2004, 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 23rd day of September, 2005.



(Corporate Seal)

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

ORDINANCE NO. 1133

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717, ORDINANCE NO. 821, and ORDINANCE NO. 1001, TOGETHER CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326 (ALSO KNOWN AS TAMPA TELECOM PARK DRI), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENTS TO SECTION 4 OF THE DEVELOPMENT ORDER TO EXTEND THE BUILDOUT AND EXPIRATION DATES OF THE PROJECT; PROVIDING SPECIFIC APPROVAL FOR REVISED PHASE 2; PROVIDING FOR ADDITIONAL MITIGATION BY THE DEVELOPER, AND REVISING THE TRANSPORTATION PROPORTIONATE SHARE ANALYSIS TO CONSIDER THE IMPACTS OF REVISED PHASE 2; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

WHEREAS, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

WHEREAS, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

WHEREAS, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; and

**WHEREAS**, on July 20, 1999, by Ordinance No. 1001, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on April 8, 2004, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to revise the phasing of the Project to provide specific approval for revised Phase 2, to authorize a series of simultaneous increases and decreases of various project uses, to revise the transportation proportionate share analysis to consider the impacts of revised Phase 2; and to make certain changes to Map "H"; and

**WHEREAS**, the Tampa Bay Regional Planning Council has reviewed the Notice of Proposed Change and has recommended to the City Council that while the proposed amendments are presumed to create a substantial deviation, that the Developer has provided sufficient information to rebut this presumption, and that the approval of this amendment will not result in any unmitigated impacts; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Proposed Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1. Introduction:**

This Ordinance shall constitute an amendment to the GTE/Collier-326 (also known as the "Tampa Telecom Park DRI") Development Order as previously amended.

**Section 2. Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B. All statutory procedures have been adhered to.
- C. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**Section 3. Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

- A. Section 4., Paragraph N, subparagraph 1 of the Development Order is hereby amended to read as follows:

| REVISED PHASE     | LAND USE         | PHASE AMOUNT      | CUMULATIVE TOTAL |
|-------------------|------------------|-------------------|------------------|
| 1                 | Office           | 1,104,433 Sq. Ft. | 1,104,433 Sq. Ft |
| (Existing)        | Service Center   | 132,479 Sq. Ft.   | 132,479 Sq. Ft.  |
| Development)      | Retail           | N/A               | N/A              |
|                   | Specialty Retail | N/A               | N/A              |
|                   | Hotel            | 173 Rooms         | 173 Rooms        |
|                   | Light Mfg.       | 125,713 Sq. Ft.   | 125,713 Sq. Ft.  |
| 2                 | Office           | 986,056 Sq. Ft.   | 2,090,489,Sq. Ft |
|                   | Service Center   | 400,000 Sq. Ft.   | 532,479 Sq. Ft.  |
| (12/1/04 through  | Retail           | N/A               | N/A              |
| 12/31/10)         | Specialty Retail | 50,000 Sq. Ft.    | 50,000 Sq. Ft.   |
|                   | Hotel            | N/A               | 173 Rooms        |
|                   | Light Mfg.       | N/A               | 125,713 Sq. Ft.  |
| 3***              | Office           | 400,000 Sq. Ft.   | 2,490,489,Sq. Ft |
|                   | Service Center   | 300,000 Sq. Ft.   | 832,479 Sq. Ft.  |
| (conceptual       | Retail           | N/A               | N/A              |
| approval only;    | Specialty Retail | N/A               | 50,000 Sq Ft     |
| through 12/31/10) | Hotel            | N/A               | 173 Rooms        |
|                   | Light Mfg.       | 100,000 Sq. Ft.   | 225,713 Sq. Ft.  |

\*\*\*Specific approval of Revised Phase 3 is contingent upon further transportation analysis in accordance with Section 380.06, Florida Statutes.

- B. Section 4., Paragraph R., Contributions, of the Development Order is hereby amended to read as follows:

- 1. Deleted in its entirety.
- 2. Deleted in its entirety and hereby amended to read as follows:

The Developer has previously contributed \$2,197,980.00 for transportation impacts through Revised Phase 2. The current analysis reveals that the proportionate share calculation through Revised Phase 2 is



\$1,891,502.00. Therefore, the Developer has paid an excess of \$306,478.00 towards transportation-related impacts. This overage could be applied toward the future approval of Revised Phase 3, if applicable.

C. The first sentence of Section 5. of the Development Order is hereby amended to read as follows:

This Development Order shall remain in effect until December 31, 2012 (project expiration date).

**Section 5.** The following site related improvements shall be constructed by the Developer:

- (a) Within eighteen (18) months from meeting signal warrants, Developer, at Developer's expense, shall design, permit and construct a second northbound left turn on Telecom Drive at Fletcher Avenue and signal when warranted by the Manual on Uniform Traffic Control Devices ("MUTCD"). Developer shall initiate a signal warrant analysis within thirty (30) days of the adoption of the Development Order Amendment and shall do so annually until the signal warrants are met; and
- (b) Within fifteen (15) months from the adoption of the Development Order Amendment, the Developer, at Developer's expense, shall design, permit and construct a north bound "free flow" right turn lane on Telecom Parkway at Fletcher Avenue.

**Section 6.** A revised Master Plan of Development is attached hereto and made a part hereof as Exhibit "H". The only changes to this Master Plan is the addition of the specific reference to "Office" on the 14 acre Lot 2 and substituting "Specialty Retail" for "Commercial" on the 8.4 acre Lot 7C.

**Section 7.** All Ordinances or parts of Ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 8.** The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

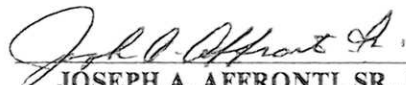
**Section 9.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 10.** This Ordinance shall take effect immediately upon its passage, approval - and being posted or published as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 21<sup>st</sup> DAY OF DECEMBER, 2004.

APPROVED BY THE MAYOR THIS 21<sup>st</sup> DAY OF DECEMBER, 2004.

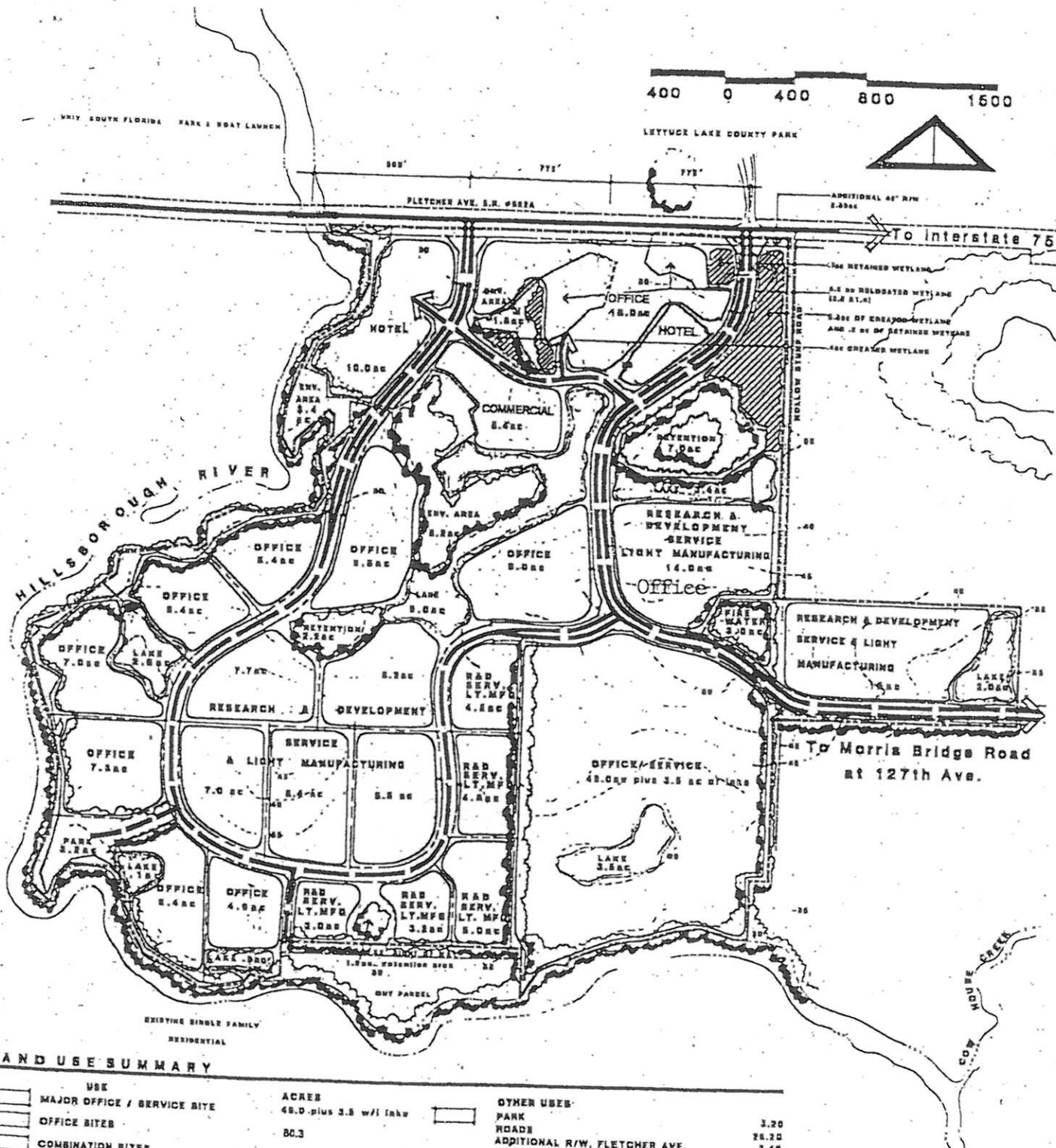
(CORPORATE SEAL)

  
JOSEPH A. AFFRONTI, SR., MAYOR

ATTEST:

  
MELISSA E. BURNS, CITY CLERK

# 1810697\_v3



# LAND USE SUMMARY

| USE                                                   | ACRES                 | OTHER USES                                                    | ACRES |
|-------------------------------------------------------|-----------------------|---------------------------------------------------------------|-------|
| MAJOR OFFICE / SERVICE SITE                           | 48.0 plus 3.5 w/ lake | PARK                                                          | 3.20  |
| OFFICE SITES                                          | 80.3                  | ROADS                                                         | 28.20 |
| COMBINATION SITES                                     | 85.3                  | ADDITIONAL R/W, FLETCHER AVE.                                 | 2.40  |
| Research & Development, Service & Light Manufacturing | 206.6                 | LANDSCAPE BUFFER & OPEN AREA                                  | 1.28  |
| COMMERCIAL                                            | 0.4                   | ENVIRONMENTAL AREAS (HEALTHY AND/OR 17/19/98) RIVER CONNECTED | 41.30 |
| HOTEL - Residence Inn                                 | 12.0                  | RETENTION AREAS                                               | 41.30 |
| FIRE STATION                                          | 228.8                 | TOTAL OTHER USES                                              | 84.40 |
|                                                       | 3.0                   | TOTAL SITE AREA                                               | 328.0 |
| TOTAL NET DEVELOPABLE ACRES                           | 231.6                 |                                                               |       |

NOTE: RETENTION AREAS INCLUDE THE FOLLOWING:

|                                               |      |
|-----------------------------------------------|------|
| 1. Environmental areas, designated from river | 11.0 |
| 2. Small retained wetlands areas              | .8   |
| 3. Lakes                                      | 22.5 |
| 4. Detention areas                            | 1.2  |
| 5. Classified wetlands mitigation areas       | 5.7  |
|                                               | 41.3 |

GTE/COLLIER - 328  
Temple Terrace  
Hillsborough County, Florida

## DEVELOPMENT PLAN

REVISED MAP H  
May 19, 1999

EXHIBIT H



# 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

JM \_\_\_\_\_  
#1160

July 22, 1999

Mr. James H. Shimberg, Jr.  
Holland & Knight LLP  
400 North Ashley Drive, Suite 2300  
Tampa, FL 33602

RE: Ordinance No. 1001 – Amending GTE/Collier-326 Development Order

Dear Mr. Shimberg:

In accordance with Section 7. of Ordinance No. 1001, adopted by the Temple Terrace City Council on July 20, 1999, I am enclosing a copy of said ordinance, which amends Ordinance No. 544, Ordinance No. 585, Ordinance No. 600, Ordinance No. 682, Ordinance No. 717, and Ordinance No. 821, relating to the GTE/Collier-326 Development of Regional Impact.

Sincerely,

Patricia A. Jones, CMC/AAE  
City Clerk

Enclosure

XC: Florida Department of Community Affairs  
Tampa Bay Regional Planning Council ✓  
Clerk to the Hillsborough County Board of County Commissioners

ORDINANCE NO. 1001

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCE NO. 585, ORDINANCE NO. 600, ORDINANCE NO. 682, ORDINANCE NO. 717 AND ORDINANCE NO. 821, CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENTS TO SECTION 4 OF THE DEVELOPMENT ORDER TO EXTEND THE BUILDOUT AND EXPIRATION DATES OF THE PROJECT; PROVIDING SPECIFIC APPROVAL FOR PHASE IVA, AND REVISING THE TRANSPORTATION PROPORTIONATE SHARE ANALYSIS TO CONSIDER THE IMPACTS OF PHASE IV; PROVIDING AMENDMENTS TO SECTION 4, PARAGRAPH BB RELATING TO PRESERVATION/CONSERVATION OF ON SITE WETLANDS; PROVIDING A REVISED MASTER PLAN OF DEVELOPMENT, IDENTIFIED AS "EXHIBIT H" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, said amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule; and

**WHEREAS**, on June 17, 1986, the City approved the amendments, by Ordinance No. 585, and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, in October 1986, the Developer filed a request for a variance from the City of Temple Terrace Sign Ordinance to allow for informational signs within the development solely for the information of employees and visitors and two architecturally designed and landscaped ground signs to the entrances of the Development; and

**WHEREAS**, on October 21, 1986, the City approved the requested variance, by Ordinance No. 600, and found that the variance did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on February 7, 1989, the City amended the Development Order, by Ordinance No. 682, providing terms and conditions for the erection of signs at Tampa Telecom Park; and

**WHEREAS**, on April 3, 1990, the City amended the Development Order, by Ordinance No. 717, amending Section BB-6(c) of the Order, discontinuing the woodstork monitoring, and found that said discontinuance was not a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on July 24, 1992, the Developer filed with the City proposed amendments to the existing Development Order, said amendments amending the transportation section of the Development Order and providing a trade-off mechanism, clarifying the procedure for calculation of credits relating to construction of road improvements, and assigning phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

**WHEREAS**, on November 3, 1992, by Ordinance No. 821, the City approved the amendments to the Development Order and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

**WHEREAS**, on November 4, 1998, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Proposed Change), proposing to amend the transportation section of the Development Order to extend the buildout and expiration dates of the Project, to provide specific approval for Phase IVA, and to revise the transportation proportionate share analysis to consider the impacts of Phase IVA; 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 amendments to DRIs; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Mayor and City Council have reviewed the Notice of Change, as well as all related testimony and evidence submitted by all parties and members of the general public,

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

**Section 1. Introduction:**

This ordinance shall constitute an amendment to the GTE/Collier-326 Development Order as previously amended.

**Section 2. Findings:**

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B. All statutory procedures have been adhered to.
- C. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**Section 3. Conclusions of Law:**

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Development, in accordance with the proposed amendments, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.
- C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.



**Section 4. Order:**

Having made the above findings of fact and conclusions of law it is ordered that the Development Order be amended as follows:

- A. Section 4., paragraph N, subparagraph 1 of the Development Order is hereby amended to read as follows:

1. **Building Development Schedule.** Development, other than utilities and infrastructure, shall be constructed as follows:

| <b>PHASE I</b>                  |                      | <b>CUMULATIVE TOTAL BY USE</b> |
|---------------------------------|----------------------|--------------------------------|
| <b>(1992: Completion Date)</b>  |                      |                                |
| Office                          | 330,000 sq. ft. GLA* | 330,000 sq. ft. GLA            |
| Service Center                  | 270,000 sq. ft. GLA  | 270,000 sq. ft. GLA            |
| Light Manufacturing             | 300,000 sq. ft. GLA  | 300,000 sq. ft. GLA            |
| Peak Hour Offsite Vehicle Trips |                      | IN 308 OUT 919                 |
| <b>PHASE II</b>                 |                      |                                |
| <b>(1992-2002)</b>              |                      |                                |
| Office                          | 420,000 sq. ft. GLA* | 750,000 sq. ft. GLA            |
| Service Center                  | 130,000 sq. ft. GLA  | 400,000 sq. ft. GLA            |
| Retail                          | 50,000 sq. ft. GLA   | 50,000 sq. ft. GLA             |
| Hotel                           | 350 rooms            | 350 rooms                      |
| Light Manufacturing             | 300,000 sq. ft. GLA  | 600,000 sq. ft. GLA            |
| Peak Hour Offsite Vehicle Trips |                      | IN 561 OUT 1414                |
| <b>PHASE III</b>                |                      |                                |
| <b>(1995-2002)</b>              |                      |                                |
| Office                          | 700,000 sq. ft. GLA* | 1,450,000 sq. ft. GLA          |
| Service Center                  | 300,000 sq. ft. GLA  | 700,000 sq. ft. GLA            |
| Retail                          | N/A                  | 50,000 sq. ft. GLA             |
| Hotel                           | N/A                  | 350 rooms                      |
| Light Manufacturing             | 100,000 sq. ft. GLA  | 700,000 sq. ft. GLA            |
| Peak Hour Offsite Vehicle Trips |                      | IN 660 OUT 2243                |
| <b>PHASE IVA</b>                |                      |                                |
| <b>(2002-2005)</b>              |                      |                                |
| Office                          | 200,000 sq. ft. GLA* | 1,650,000 sq. ft. GLA          |
| Service Center                  | N/A                  | 700,000 sq. ft. GLA            |
| Retail                          | N/A                  | 50,000 sq. ft. GLA             |
| Hotel                           | N/A                  | 350 rooms                      |
| Light Manufacturing             | N/A                  | 700,000 sq. ft. GLA            |
| Peak Hour Offsite Vehicle Trips |                      | IN 699 OUT 2433                |

**PHASE IVB  
(2002-2007)**

|                                 |                      |                       |
|---------------------------------|----------------------|-----------------------|
| Office                          | 400,000 sq. ft. GLA* | 2,050,000 sq. ft. GLA |
| Service Center                  | 300,000 sq. ft. GLA  | 1,000,000 sq. ft. GLA |
| Retail                          | N/A                  | 50,000 sq. ft. GLA    |
| Hotel                           | N/A                  | 350 rooms             |
| Light Manufacturing             | 100,000 sq. ft. GLA  | 800,000 sq. ft. GLA   |
| Peak Hour Offsite Vehicle Trips |                      | IN 821 OUT 3038       |

Build-out date: December 31, 2007.

**\*Gross Leasable Area**

B. Section 4., Paragraph R., Contributions, of the Development Order is hereby amended to read as follows:

1. Deleted in its entirety.
2. Deleted in its entirety and hereby amended to read as follows:

The Developer's contribution for GTE/Collier-326 is \$3,550,688.00, assessed as follows:

|           |                 |
|-----------|-----------------|
| Phase I   | \$1,078,490.00  |
| Phase II  | 742,012.00      |
| Phase III | -----           |
| Phase IVA | -----           |
| Phase IVB | \$2,477,183.00* |

\*Developer has paid for Phase I and II, and an excess of \$377,478.00 through Phase IVA. The proportionate share amount for Phase IVB is \$2,854,661.00 less \$377,478.00.

C. Section 4, Paragraph B.B.5 is hereby amended to read as follows:

On site wetlands shall be preserved/conserved as provided herein and on Map D/F of the ADA unless otherwise approved by appropriate review agencies (including but not limited to Army Corps of Engineers, Florida Department of Environmental Protection and Southwest Florida Water Management District).

D. The first sentence of Section 5. of the Development Order is hereby amended to read as follows:

This order shall remain in effect until December 31, 2009 (project expiration date)

**Section 5.** A revised Master Plan of Development is attached hereto and made a part hereof as Exhibit "H."

**Section 6.** All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7.** The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Ordinance shall be deemed rendered upon transmittal of copies of the Ordinance to the recipients specified in Chapter 380.

**Section 8.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 9.** This ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

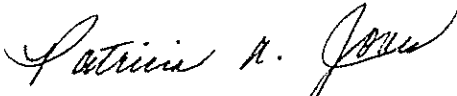
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERACE, FLORIDA, THIS 20<sup>th</sup> DAY OF July, 1999.

APPROVED BY THE MAYOR THIS 20<sup>th</sup> DAY OF July, 1999.

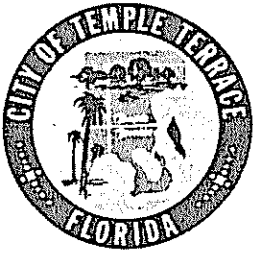
(CORPORATE SEAL)

  
FRAN BARFORD, MAYOR

ATTEST:

  
PATRICIA A. JONES, CMC/AAE  
CITY CLERK





# CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET  
P. O. BOX 16930  
TEMPLE TERRACE, FLORIDA 33687  
PHONE 813-989-7100  
SUNCOM #967-1100  
FAX #989-7185

November 24, 1992

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

Re: GIER/Collier 326 Notice of Proposed Change

Dear Ms. Cooper:

Enclosed you will find a copy of Ordinance No. 821 adopted on November 3, 1992, by the City of Temple Terrace City Council. The adoption of this ordinance completes the review of the Notice of Change filed by the Developer earlier this year.

If you have any questions or need additional information, please contact me.

Sincerely,

  
Thomas J. Bonfield  
City Manager

RED/TJB/ct  
enclosure

mailed 12/1/92  
received 12/2/92

ORDINANCE NO. 821

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING TEMPLE TERRACE ORDINANCE NO. 544, AS AMENDED BY ORDINANCES NO. 585 AND 682; CONSTITUTING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326; A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FINDINGS OF FACT; PROVIDING CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENTS TO SECTION 4 OF THE DEVELOPMENT ORDER TO PROVIDE FOR A TRADE-OFF SCHEDULE, PHASE COMPLETION DATES AND CREDITS FOR CONSTRUCTION OF ROAD IMPROVEMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as the "Developer") filed an Application for Development Approval for a Development of Regional Impact ("Tampa Telecom Park") with the City of Temple Terrace ("the City") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 29, 1985, the City approved the Development Order for the Tampa Telecom Park;

WHEREAS, in 1986, the Developer filed with the City proposed amendments to the existing Development Order, which amendments provided for a modified building development schedule based upon trip generation, annual monitoring requirements for drainage basins, and an amended improvement fee payment schedule;



WHEREAS, on June 17, 1986, the City approved the amendments and found that the changes did not constitute a substantial deviation from the existing Development Order as defined in Chapter 380, Florida Statutes; and

WHEREAS, on February 7, 1989, the City approved additional amendments to the Development Order relating to the regulation of signs within the Tampa Telecom Park; and

WHEREAS, on July 24, 1992, the Developer filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), Florida Statutes (Notice of Change) proposing to provide a trade-off mechanism and clarifying the procedure for calculation of credits relating to construction of road improvements; and

WHEREAS, the Department of Community Affairs has required the Developer to assign phase completion dates to the phases described in the original Development Order, which dates were deleted in the 1986 amendments; and

WHEREAS, the Developer proposes to extend the phase completion dates included in the original Development Order (Ordinance No. 544) by four years, eleven months and 25 days; and

WHEREAS, the Department of Community Affairs has required that the Developer create minimum intensity levels for certain uses in the project; and

WHEREAS, the City Council, as the governing body of local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider amendments to DRIs; and

WHEREAS, the Mayor and City Commission have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation either singularly or in the aggregate with prior amendments to the Development Order, as defined in Section 380.06(19), Florida Statutes; and

WHEREAS the Mayor and City Council have reviewed the Notice of Change, as well as all related testimony and evidence submitted by all parties and members of the general public.

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

Section 1. Introduction.

This ordinance shall constitute an amendment to the GTE/Collier-326 Development Order as previously amended.

## Section 2. Findings.

The City Council, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The amendments to the Development Order, as described herein, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- B. All statutory procedures have been adhered to.
- C. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

## Section 3. Conclusions of Law.

The City Council having made the above findings of fact, reaches the following conclusions of law:

- A. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. The proposed amendments are consistent with the applicable land development regulations and local comprehensive plan of the City.

C. The Development Order is hereby reaffirmed in its entirety except as amended by this Ordinance.

Section 4. Order.

Having made the above findings of fact and conclusions of law, it is ordered that the Development Order be amended as follows:

A. Section 4, paragraph N, subparagraph 1 of the Development Order is amended to create phase completion dates. The revised paragraph reads as follows:

1. Building Development Schedule. Development, other than utilities and infrastructure improvements, shall be constructed as follows:

| PHASE I<br>(1992: Completion Date) |                      | CUMULATIVE TOTAL<br>BY USE |
|------------------------------------|----------------------|----------------------------|
| Office                             | 330,000 sq. ft. GLA* | 330,000 sq. ft. GPA*       |
| Service Center                     | 270,000 sq. ft. GLA* | 270,000 sq. ft. GLA*       |
| Light Manufacturing                | 300,000 sq. ft. GLA* | 300,000 sq. ft. GLA*       |
| Peak Hour Offsite Vehicle Trips    |                      | IN 308      OUT 919        |

PHASE II  
(1992-1995)

|                   |                      |                      |
|-------------------|----------------------|----------------------|
| Office            | 420,000 sq. ft. GLA* | 750,000 sq. ft. GLA* |
| Service Center    | 130,000 sq. ft. GLA* | 400,000 sq. ft. GLA* |
| Retail            | 50,000 sq. ft. GLA*  | 50,000 sq. ft. GLA*  |
| Hotel             | 350 rooms            | 350 rooms            |
| Light             | 300,000 sq. ft. GLA* | 600,000 sq. ft. GLA* |
| Manufacturing     |                      |                      |
| Peak Hour Offsite |                      | IN 561 OUT 1414      |
| Vehicle Trips     |                      |                      |

PHASE III  
(1995-1998)

|                   |                      |                        |
|-------------------|----------------------|------------------------|
| Office            | 700,000 sq. ft. GLA* | 1,450,000 sq. ft. GLA* |
| Service Center    | 300,000 sq. ft. GLA* | 700,000 sq. ft. GLA*   |
| Retail            | N/A                  | 50,000 sq. ft. GLA*    |
| Hotel             | N/A                  | 350 rooms              |
| Light             | 100,000 sq. ft. GLA* | 700,000 sq. Ft. GLA*   |
| Manufacturing     |                      |                        |
| Peak Hour Offsite |                      | IN 835 OUT 2526        |
| Vehicle Trips     |                      |                        |

PHASE IV  
(1998-2000)

|                   |                      |                        |
|-------------------|----------------------|------------------------|
| Office            | 600,000 sq. ft. GLA* | 2,050,000 sq. ft. GLA* |
| Service Center    | 300,000 sq. ft. GLA* | 1,000,000 sq. ft. GLA* |
| Retail            | N/A                  | 50,000 sq. ft. GLA*    |
| Hotel             | N/A                  | 350 rooms              |
| Light             | 100,000 sq. ft. GLA* | 800,000 sq. ft. GLA*   |
| Manufacturing     |                      |                        |
| Peak Hour Offsite |                      | IN 1197 OUT 3908       |
| Vehicle Trips     |                      |                        |

\* GROSS LEASABLE AREA

B. Section 4, paragraph N, subparagraph 3(a), (b), and (c) of the Development Order is amended to create a trade-off schedule and clarify earlier amendments relating to development flexibility and to delete subparagraphs 3(a), (b), and (c). The revised paragraph reads as follows:

3. Construction of GTE/Collier - 326 substantially in accordance with the building development schedule and site development schedule set forth above is a condition of this Order. The City's determination of substantial compliance with the building development schedule shall be predicated on both the relative mix of uses and off-site vehicle trip generation rates as follows.

The Developer shall be permitted to trade-off one or more of the approved land uses for the project consistent with the requirements of this paragraph. The trip generation rates provided below for each approved land use shall be utilized to calculate the amount of p.m. peak hour off-site vehicle trips which are attributed to the project to determine what phase the development is in. Calculation of the total p.m. peak hour traffic shall include both the actual and projected traffic generated by existing uses as well as trips projected to be generated by uses for which approval is being sought. The Developer shall provide the Department with a copy of any proposed trade-off calculation for its review and approval prior to the trade-off becoming effective. When the number of p.m. peak hour off-site vehicle trips equals the number of p.m. peak hour off-site vehicle trips that would occur to commence the subsequent building development phase as described in 4.N.1., above, the Developer shall make all contributions and shall perform all conditions required to



proceed into the subsequent building development phase. In no event shall the Developer construct more than 350,000 square feet of light manufacturing uses on 50,000 square feet of commercial/retail uses for the entire project. Finally, the Developer shall construct during development of the project the following minimum intensities for the described uses:

- a. Office 1,025,000 square feet;
- b. Service Center 125,000 square feet;
- c. Light Industrial 126,000 square feet;
- d. Retail 6,000 square feet

#### TRIP GENERATION RATE CHART

| <u>Land Use</u>     | <u>Size</u>   | <u>P.M. Peak Hour Trips</u> |
|---------------------|---------------|-----------------------------|
| Office              | 1,000 sq. ft. | 1.22                        |
| Light Manufacturing | 1,000 sq. ft. | 0.75                        |
| Service Center      | 1,000 sq. ft. | 0.62                        |
| Day Care            | 1,000 sq. ft. | 1.04                        |
| Retail              | 1,000 sq. ft. | 5.99                        |
| Hotel               | 1 room        | 0.45                        |

- B. Section 4, paragraph R.3. of the Development Order is amended to clarify the process for calculation of credits for construction of road improvements. The revised paragraph reads as follows:

The Developer with the concurrence of the City shall have the option, with each building development 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 Developer shall receive credit for the costs incurred for construction of the improvements. The credits received shall be equal to the reasonable costs incurred by the Developer for activities including but not limited to improvement design, construction administration, and construction (including construction costs attributable to expansion of the improvement beyond the limits originally identified by the responsible agency). Prior to electing the construction option, the Developer shall meet with the City to identify the proposed improvement and estimated construction cost. The Developer shall, to the extent possible, certify actual costs of the improvements to the City; provided, the City may require reasonable supporting documentation which establishes the sums incurred, that the costs incurred are directly related to the improvements and that such sums are reasonable in amount. The credit received by the Developer pursuant to this paragraph shall be applied against the Developer's required contributions. In addition to the credit applicable to right-of-way

dedicated by Developer as described in paragraph R.4., below, the Developer shall also receive a credit in the amount of \$368,559.00 for acquisition of required right-of-way from other owners along Fletcher Avenue. This amount includes the costs incurred by the Developer in paying for right-of-way condemned by Hillsborough County. The total credit due the Developer for acquisition/dedication of right-of-way and construction of improvements to Fletcher Avenue completed during Phase I is \$1,718,663.00. 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 the construction is initiated.

#### Section 5. Repeal of Conflicting Ordinances

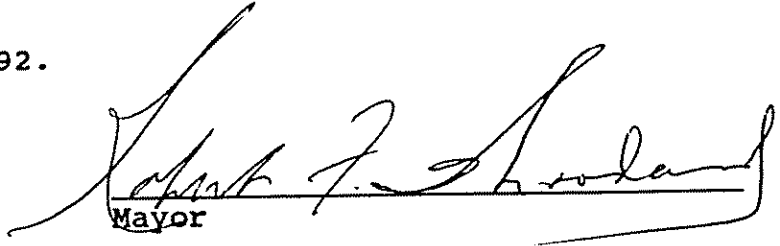
All ordinances or parts or ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts or ordinances in conflict herewith are hereby repealed.

#### Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

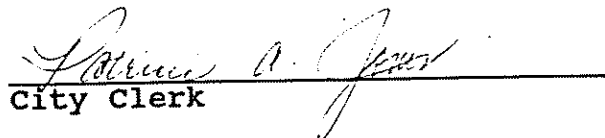
PASSED AND ORDAINED BY THE  
CITY COUNCIL OF THE  
CITY OF TEMPLE TERRACE, FLORIDA,  
THIS 3<sup>rd</sup> DAY OF November, 1992.

APPROVED BY THE MAYOR THIS  
25<sup>th</sup> DAY OF November, 1992.

  
Mayor

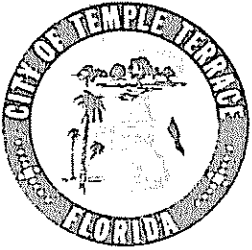
(CORPORATE SEAL)

ATTEST:

  
City Clerk

TPA-16452  
25238-2

11610



## CITY of TEMPLE TERRACE

11250 NORTH 56TH STREET  
P O BOX 16930  
TEMPLE TERRACE, FLORIDA 33687  
PHONE 813/989-7100  
SUNCOM #767-1011

February 10, 1989

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

Dear Sir:

Transmitted herewith for your files please find Ordinance No. 682, City of Temple Terrace, Florida, which amends Ordinance No. 544-the Development Order for GTE/Collier-326; A Development of Regional Impact.

This amendment pertains only to signs, does not meet or exceed any of the criteria listed in Florida Statute 380.06(19), and is presumed not to create a substantial deviation subject to further DRI review.

Sincerely,

*Donald E. Sawyer*

Donald E. Sawyer, Director  
Department of Community Development

DES/jd

He  
master  
DO

ORDINANCE NO. 682

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR GTE/COLLIER-326, RENDERED BY ORDINANCE NO. 544, BY REPEALING SECTION R.R. OF SAID DEVELOPMENT ORDER IN ITS ENTIRETY AND BY ENACTING A NEW SECTION R.R., PROVIDING TERMS AND CONDITIONS FOR THE ERECTION OF SIGNS AT TAMPA TELECOM PARK; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

WHEREAS, the Mayor and City Council of the City of Temple Terrace have considered the petition of Tampa Telecom Park for an amendment of the GTE/Collier-326 Development Order Section R.R., setting forth the terms and conditions for erecting signs at Tampa Telecom Park; and

WHEREAS, the Mayor and City Council of the City of Temple Terrace have determined that it is appropriate to amend the GTE/Collier-326 Development Order to permit the construction of signage in accordance with the request of the petitioner,

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

Section 1. Section R.R. of the Development Order for GTE/Collier-326 is repealed in its entirety and a new Section R.R. is enacted to provide as follows:

R.R. In addition to those signs permitted pursuant to Section 3.26(a)-(c) of the Temple Terrace Code of Ordinances, the following signs shall be permitted in GTE/Collier-326:

1. Two (2) architecturally designed and landscaped ground signs not to exceed fifteen (15) feet in height; each of which will not contain more than one hundred sixty-seven and 75/100 (167.75) sq. ft. in total area, including side supports, whether said sign is single or double faced, at each major entrance to Tampa Telecom Park at the corners of Fletcher Avenue and Telecom Parkway and Fletcher Avenue and Telecom Drive.
2. No more than one (1) ground sign may be erected at any entrance within Tampa Telecom Park, and each such sign shall be no more than five feet (5') in height and one hundred twenty-five (125) sq. ft. in total surface area on any sign face. Said sign shall be only for the purpose of identifying the office, institution, or facility within the park and shall be of materials capable of withstanding the elements for a reasonable period of time. Two (2) such ground signs, one (1) facing each roadway, may be permitted on corner lots.
3. Informational signs not visible beyond the boundaries of the zoning lot upon which they are situated, or from any public thoroughfare or right-of-way, and signs oriented inward upon a lot and intended solely for the information of employees and visitors.
4. All plantings surrounding signs shall be watered and adequately maintained by the Developer, the owner or tenant, all of whom shall be jointly and severally liable for said maintenance.
5. All signs shall be subject to City review and approval in accordance with the site specific permittal process detailed in Chapter 24, Temple Terrace Code of Ordinances.



Section 2. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

Section 3. This ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

Section 4. All ordinances or parts of ordinances pertaining to the Development Order for GTE/Collier-326 not specifically in conflict therewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict therewith are hereby repealed.

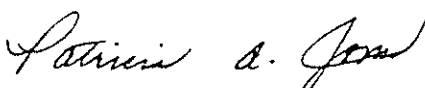
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 7th DAY OF February, 1989.

APPROVED BY THE MAYOR THIS 7th DAY OF February, 1989.

(Corporate Seal)

  
EDWARD B. SIMMON, MAYOR

ATTEST:

  
PATRICIA A. JONES, CMC  
CITY CLERK

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY GTE REALTY AND COLLIER ENTERPRISES FOR GTE/COLLIER-326, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING A SEPARABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, in August 1984, GTE Realty and Collier Enterprises (hereinafter collectively referred to as "the Developer") filed an Application for Development Approval for a Development of Regional Impact ("DRI") with the City of Temple Terrace ("the City"), Hillsborough County ("the County"), Hillsborough County City-County Planning Commission ("HCCCPC"), Hillsborough County Environmental Protection Commission ("EPC"), Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"); and

WHEREAS, the ADA proposes the development of a mixed-use corporate office park development, including a hotel and accessory retail uses, located on approximately three hundred and twenty-six (326) acres east of the Hillsborough River and between Fowler and Fletcher Avenues (hereinafter "the GTE/Collier-326"); and

WHEREAS, approximately three hundred and six (306) acres of GTE/Collier-326 lies within the City's corporate limits and twenty (20) acres is located in the County; and

WHEREAS, the City has conferred with the County as the local governments having jurisdiction pursuant to Chapter 380 to ensure consistency in the development order and to provide for mitigation of regional impacts; and

WHEREAS, the public notice requirements of Chapter 380 and of the Temple Terrace Code of Ordinances have been satisfied; and

WHEREAS, the City Council has, on February 5 and 19, 1985, held duly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

3/29/85

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the City Council hearings on the DRI; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all of the testimony and the evidence submitted by each party and members of the general public;

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

Section 1. This Ordinance shall constitute the Development Order ("Order") of the City issued in response to the ADA filed by the Developer for the GTE/Collier-326. The scope of development to be permitted pursuant to this Order includes the operations described in the ADA and the supporting documents, which are attached hereto as composite Exhibit A and by reference are made a part hereof.

Section 2. The City Council, having received the above referenced documents and having received all related comments, testimony and evidence submitted by each party and by members of the general public, finds there is substantial, competent evidence to support the following findings of fact:

- A. The real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.
- B. The Developer submitted an ADA, which is attached hereto as composite Exhibit A and which by reference is made a part hereof, to the City and to all agencies required pursuant to Chapter 380.
- C. The Developer proposes to construct a mixed use corporate office park development, including a hotel and accessory retail uses, with a total site area of approximately three hundred and twenty-six (326) acres, located east of the Hillsborough River between Fowler

and Fletcher Avenues, three hundred and six (306) acres of which is located in the City of Temple Terrace.

- D. GTE/Collier-326 is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.
- E. GTE/Collier-326 is consistent with all local land development regulations.
- F. This Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(14), Florida Statutes.
- G. GTE/Collier-326 will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- H.\* A comprehensive review of the impacts generated by GTE/Collier-326 has been conducted by the City's departments and consultants, the County, EPC, HCCCPC and TBRPC, as well as other administrative and governmental agencies.

Section 3. The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. Based upon the compliance with the terms and conditions of this Order, provisions of the ADA, the reports, recommendations and testimony heard and considered by the City, it is concluded that:
  - 1. GTE/Collier-326 will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
  - 2. GTE/Collier-326 is consistent with local land development regulations.
  - 3. GTE/Collier-326 is consistent with the TBRPC report and recommendations.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations and particularly the criteria established in Chapter 380. Based upon the record in this proceeding, the City and the Developer are

authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

- C. The review by the City, the County, TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380 within the terms and conditions of this Order and the ADA, to the extent that the ADA is consistent with the terms and conditions of this Order.

Section 4. Having made the above findings of fact and drawn the above conclusions of law, the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

- A. The legal description set forth in Exhibit B attached hereto is by reference incorporated into this Order.
- B. The ADA, together with subsequently-filed sufficiency response and other assurances and representations, (hereinafter collectively referred to as the "AD") which is attached hereto as composite Exhibit A and which, by reference, is incorporated herein, is approved, subject to the terms and conditions of this Order. In the event of inconsistency between the ADA and this Order, the terms and conditions of this Order shall control.
- C. This Ordinance shall constitute the Order of the City of Temple Terrace in response to the ADA for the GTE/Collier-326 DRI.
- D. The definitions contained in Chapter 380 shall govern and apply to this Order.
- E. This Order shall be binding upon the Developer, its heirs, representatives, successors and assigns, including any entity which may assume any of the responsibilities imposed on the Developer by this Order. Any reference herein to any governmental agency 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 or duties of any branch of government or any governmental agency.

- F. Whenever this 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 which are or may be designated by the Temple Terrace City Council to review DRI applications as well as governmental agencies and departments set forth under applicable laws and rules governing DRIs.
- G. In each instance in this Order where the Developer is responsible for the ongoing maintenance of facilities at GTE/Collier-326, 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 any such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the City, upon determination that the entity in question is financially capable and will be responsible to provide maintenance as required in this Order. Such approval shall not be unreasonably withheld. All references herein to the Developer shall include the Developer's successors, representatives and assigns.
- H. Development activity constituting a substantial deviation from the terms or conditions of this 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 TBRPC shall result in further DRI review pursuant to law and may result in the City ordering a termination of development activity pending such review. In the event of substantial deviations retriggering the DRI process, pursuant to Chapter 380,



the Developer shall be given due notice of and an opportunity to be heard at any hearing to determine whether or not a proposed change to GTE/Collier-326 constitutes a substantial deviation.

- I. The City Manager shall be responsible for monitoring all terms and conditions of this Order. For purposes of this condition, the City Manager may rely upon or utilize information supplied by any City or governmental agency, including TBRPC and the Florida Department of Community Affairs (DCA), having responsibility over the area or subject involved. The City Manager shall report to the City Council any findings of deviation from the terms and conditions of this Order. The City Manager shall " issue a notice of non-compliance to the Developer and, if the deviation is not corrected within a reasonable time, shall recommend that the City Council set a hearing to consider such deviations.
- J. The Developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to the City, the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the City Manager who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to ensure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the City Council shall not be considered as a substitute, waiver or change of conditions

as to of any terms or conditions of this Order. The annual 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 that Agency, pursuant to Section 380.06, Florida Statutes; and
2. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
3. A summary comparison of development activity proposed and actually conducted for the reporting year;
4. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
5. Undeveloped tracts of land that have been sold to a separate entity or developer and the identity of that purchaser, together with a statement listing the names and addresses of any heir, assignee or successor in interest to this Order;
6. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the DRI site since the Order was issued;
7. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;

8. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
  9. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and
  10. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer, pursuant to Subsection 380.06(14)(d), Florida Statutes.
- K.
1. For purposes of this Order, funding commitments may be either in the form of Developer contributions-in-aid-of-construction or Developer commitments for the actual construction or the placement in the five (5) year funded capital improvements in the City's, County's or State's transportation improvements work programs or a combination thereof.
  2. For the purposes of this Order, the Developer is considered one of a number of possible responsible entities.
- L. The Developer, at its option and sole discretion, may resubmit its project for review and approval under any subsequently filed Area-wide Application for Development Approval, pursuant to Subsection 380.06(26), Florida Statutes. Any impacts assessed and satisfied pursuant to this Order, shall be considered and credited in any such Area-wide Development Order.
- M. Notwithstanding this Order, the Developer may, during Site Development Phase I, construct subdivision and infrastructure improvements designed to serve all or any

portions of, Building Development Phases II, III or IV or all of them. Such infrastructure improvements shall be constructed at the Developer's risk and shall not be construed to vest in the Developer the right to develop Phases II, III or IV.

- N. 1. Building Development Schedule. Development, other than utilities and infrastructure improvements, shall be constructed as follows:

| PHASE I (1985-1986)   |                     | CUMULATIVE TOTAL<br>BY USE |
|-----------------------|---------------------|----------------------------|
| Office                | 330,000 sq. ft.GLA* | 330,000 sq. ft.GLA*        |
| Service Center        | 270,000 sq. ft.GLA* | 270,000 sq. ft.GLA*        |
| Light Manufacturing   | 300,000 sq. ft.GLA* | 300,000 sq. ft.GLA*        |
| PHASE II (1986-1989)  |                     |                            |
| Office                | 420,000 sq. ft.GLA* | 750,000 sq. ft.GLA*        |
| Service Center        | 130,000 sq. ft.GLA* | 400,000 sq. ft.GLA*        |
| Retail                | 50,000 sq. ft.GLA*  | 50,000 sq. ft.GLA*         |
| Hotel                 | 350 rooms           | 350 rooms                  |
| Light Manufacturing   | 300,000 sq. ft.GLA* | 600,000 sq. ft.GLA*        |
| PHASE III (1989-1992) |                     |                            |
| Office                | 700,000 sq. ft.GLA* | 1,450,000 sq. ft.GLA*      |
| Service Center        | 300,000 sq. ft.GLA* | 700,000 sq. ft.GLA*        |
| Retail                | N/A                 | 50,000 sq. ft.GLA*         |
| Hotel                 | N/A                 | 350 rooms                  |
| Light Manufacturing   | 100,000 sq. ft.GLA* | 700,000 sq. ft.GLA*        |
| PHASE IV (1992-1995)  |                     |                            |
| Office                | 600,000 sq. ft.GLA* | 2,050,000 sq. ft.GLA*      |
| Service Center        | 300,000 sq. ft.GLA* | 1,000,000 sq. ft.GLA*      |
| Retail                | N/A                 | 50,000 sq. ft.GLA*         |
| Hotel                 | N/A                 | 350 rooms                  |
| Light Manufacturing   | 100,000 sq. ft.GLA* | 800,000 sq. ft.GLA*        |

\*Gross Leasable Area

2. Site Development Schedule. Subdivision, utilities and infrastructure improvements and utilities shall be constructed in two (2) phases as follows:

- (a) Site Development Phase I shall include the property depicted on the Site Development Map, which is attached hereto as Composite Exhibit "C" and by reference is made a part hereof.

(b) Site Development II shall include the balance of the property, as depicted on the Site Development Map, which is attached hereto as Composite Exhibit "C" and by reference is made a part hereof.

3. Construction of GTE/Collier-326 in accordance with the above Building Development Schedule and Site Development Schedule is a condition of this Order. If the Developer elects to amend either Schedule, it shall submit said amendment to the City for review and approval. If the City finds that amendments to the terms of this Order are required by proposed amendments to the Building Development Schedule or the Site Development Schedule, then said amendments, to the extent consistent herewith, shall be included as conditions of approval of the changes to either Schedule. It is the intent of this provision to ensure that all prerequisites for each phase of GTE/Collier-326 are met.
4. For purposes of this Order, a Building Development Phase shall be considered complete upon issuance of the final certificate of occupancy for the Phase. No building permit or other approval shall be issued for any subsequent Building Development Phase until completion of the preceding Phase.
- O. The Revised Final Development Plan Map, which shall supersede Map H of the ADA, is attached hereto as Exhibit "D" and by reference is made a part hereof.
- P. Transportation - Impact Analysis Methodology.

GTE/Collier-326 will have a substantial negative impact on several regionally significant transportation facilities within the project's impact area. This sec-

tion 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-326 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-326 so the retail/commercial element, originally proposed to include one hundred fifty thousand (150,000) square feet will not exceed fifty thousand (50,000) square feet and so that it will be physically reoriented and accessory in nature. Further, office space, originally proposed to be two million three hundred thousand (2,300,000) square feet, will not exceed two million fifty thousand (2,050,000) square feet. The modifications are reflected on the Revised Final Development Plan Map, which is attached hereto as Exhibit "D" and is incorporated by reference herein. 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 and that a greater portion of those trips will be internal to the site.

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-326 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 Building Development 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-326 are identified below. The improvements listed in this Order are predicated on the TBRPC DRI report, dated January 18, 1985, as revised to reflect changes in the proposed project.



. Transportation Systems Management.

The Developer shall submit for approval by TBRPC, the County, the City, and the Hillsborough Area Transit Authority (HART), a plan of transportation systems management (TSM) measures to be instituted and implemented for each Building Development Phase for GTE/Collier-326. 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 and modified retail and office areas ("amended ADA projections"), for Phase I by ten (10%) percent. 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 (7%) percent for each phase.

The plan shall be submitted to the reviewing agencies within one hundred eighty (180) days after issuance of this Order 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;

Because of the unique character of Phase I, in which GTE Data Services is to occupy all or most of said phase, the traffic analysis adopted hereinbelow assumes that the Developer shall adopt various TSM measures and that they will reduce the daily peak hour traffic for Phase I by ten (10%) percent. If GTE Data Services does not occupy all or most of Phase I, no TSM credits will be given for any phase of GTE/Collier-326 prospectively.

The Developer's annual reports 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 City and 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 City or the County monitoring data indicates that the total peak hour trip reductions do not reach ten (10%) percent for Phase I and a minimum of seven (7%) percent for each of Phases II, III and IV, the County and the City 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 Building Development Phase(s).

To assure that the transportation impacts of GTE/ Collier-326 have been accurately projected in the amended ADA, surveys shall be taken every two (2) years after certificates of occupancy for three hundred fifty thousand (350,000) 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 Fletcher 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 contributions set forth hereinbelow.

R. Contributions.

1. The Developer's fair share, allowing a ten (10%) percent credit for TSM reductions in Phase I, as well as credit for TSM reductions to a minimum total of seven (7%) percent for each subsequent phase, is \$6,736,904. This amount is assessed as follows:

|           |             |
|-----------|-------------|
| Phase I   | \$1,545,345 |
| Phase II  | 1,308,270   |
| Phase III | 2,057,179   |
| Phase IV  | 1,826,111   |

2. If the Developer fails to gain through TSM, the reductions projected for any or all of said phases or if GTE Data Services fails to occupy Phase I, the Developer's contribution for GTE/Collier-326 is \$7,243,903, assessed as follows:

|           |             |
|-----------|-------------|
| Phase I   | \$1,717,110 |
| Phase II  | 1,351,413   |
| Phase III | 2,211,787   |
| Phase IV  | 1,963,594   |

3. The Developer shall have the option, with each Building Development 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 Exhibit "E" 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 Exhibit E attached hereto as the construction cost for said improvements and said credit shall be applied against the Developer's contribution for the subsequent Building Development 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 additional property along the entire north boundary of GTE/Collier-326 to provide road right-of-way equal to at least one hundred (100') feet from the center line of Fletcher Avenue right-of-way as it currently exists. The County shall thereafter maintain the dedicated Fletcher Avenue 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 (\$76,200) dollars per acre, which shall be applied against the Developer's Phase I contribution.
5. Prior to issuance of any building permits for Building Development Phase I, the Developer shall pay the City One Hundred Thousand (\$100,000.00) Dollars for a County transportation study which shall be conducted for the North I-75 Corridor area in cooperation with the FDOT TBRPC, the City, Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO") and other developers in the study area by the County. The City shall provide said funds to the County pursuant to an Interlocal Agreement for the conduct of the study. Said study shall be completed prior to issuance of any permits for Phase II. 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.

The Developer shall receive a credit against its Phase I contribution equal to the amount paid for said study.

6. Under current conditions, and assuming that the Developer shall effectively implement TSM measures as specified above and that the changes in square footage and location of retail and office uses are accomplished as described above, the following transportation improvements are necessary to mitigate the impact of GTE/Collier-326.

#### PHASE I

- (a) Construct a 4-lane section on Fletcher Avenue from I-275 to I-75. These through lanes shall have their termini in accordance with proper design standards.
- (b) At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements providing for an exclusive left-turn lane on the eastbound, westbound and southbound approaches of the intersection as well as an exclusive right-turn lane on the eastbound and westbound approaches.
- (c) At the intersection of Fletcher Avenue and Bruce B. Downs Boulevard, construct intersection improvements providing for an exclusive left-turn storage lane on all approaches, as well as an exclusive right-turn lane on the eastbound and westbound approaches.
- (d) At the intersection of Fletcher Avenue and 15th Street, construct intersection improvements providing for exclusive left-turn storage lanes on the northbound and southbound approaches.
- (e) At the intersection of Fowler Avenue and Morris Bridge Road, construct intersection improvements to provide for exclusive left-turn storage lanes on the eastbound and westbound approaches to the intersection.
- (f) Provide one (1) major site access point on Fletcher Avenue with intersection improvements to allow for the safe and efficient movement of vehicles.

#### PHASE II

- (a) Construct an additional northbound and southbound lane to create a 6-lane section on I-275 between Fletcher Avenue and Fowler Avenue.

- (b) Construct a 4-lane section on U.S. 301 from Fowler Avenue to State Road 579. These through lanes shall have their termini in accordance with proper design standards.
- (c) Construct a 4-lane section on Nebraska Avenue from Skipper Road to Bearss Avenue. These through lanes shall have their termini in accordance with proper design standards.
- (d) Construct one additional through lane, northbound and southbound on Morris Bridge Road from 127th Street to Fowler Avenue. These through lanes shall have termini in accordance with proper design standards. The Developer, prior to commencing Phase II, shall conduct a comprehensive preliminary engineering study for this proposed improvement. If the County, or the agency within whose jurisdiction the road falls, concludes that this improvement is impractical, the Developer shall define an acceptable alternative(s) and shall contribute its fair share to the construction costs for the approved alternative improvement.
- (e) At the intersection of Fowler Avenue and Nebraska Avenue, construct intersection improvements to provide for exclusive right-turn lanes on the northbound, eastbound and westbound approaches to the intersection.
- (f) At the intersection of Fowler Avenue and Bruce B. Downs Boulevard, construct intersection improvements to include exclusive left-turn storage lanes on the southbound and eastbound approaches to the intersection.
- (g) At the intersection of Busch Boulevard and Florida Avenue, construct intersection improvements to include an exclusive left lane and right-turn lane on the southbound approach to the intersection.



- (h) Construct an additional northbound and southbound lane on I-275 between Fowler Avenue and Busch Boulevard.
- (i) Construct an additional eastbound and westbound lane on I-4 between U.S. 301 and 50th Street.
- (j) Construct a 6-lane section on Fowler Avenue from I-275 to I-75. These three (3) lanes shall have their termini in accordance with proper design standards.
- (k) Construct a portion of the East-West Connector as a 4-lane road. All design and construction shall take place in accordance with City standards relating to roadway design and construction as of the date that construction is initiated. The right-of-way for the East/West Connector shall be dedicated to the City prior to the issuance of building permits for Phase II.
- (l) Provide one (1) additional major site access point on Fletcher Avenue with intersection improvements to allow for the safe and efficient movement of vehicles.

### PHASE III

- (a) Construct a 6-lane section with median on Fletcher Avenue from Dale Mabry Highway to Florida Avenue. These through lanes shall have their termini in accordance with proper design standards.
- (b) At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements to provide for an exclusive right-turn lane eastbound and an exclusive right-turn and left-turn lane on the westbound approach.

- (c) At the intersection of Fletcher Avenue and 15th Street, construct intersection improvements to include exclusive left-turn lanes on the eastbound and westbound approaches to the intersection.
- (d) At the intersection of Fowler Avenue and Nebraska Avenue, construct intersection improvements to include exclusive left-turn lanes on the eastbound and westbound approaches to the intersection.
- (e) At the intersection of Fowler Avenue and Morris Bridge Road, construct exclusive left-turn lanes on the southbound and eastbound approaches.
- (f) At the intersection of I-75 and Fletcher Avenue, the construction, on the east side and eastbound left-turn lane and on the westbound and eastbound through lanes.
- (g) At the intersection of I-275 and Fletcher Avenue, construct, on the west side, a westbound left-turn lane.
- (h) At the intersection of I-275 and Fowler Avenue, construct a westbound left-turn lane on the west side.
- (i) Construct an additional northbound and southbound lane on I-275 between Fowler Avenue and Busch Boulevard to create an 8-lane section.
- (j) Construct an additional eastbound and westbound lane on I-4 between 50th Street and 40th Street to create a 6-lane section.

#### PHASE IV

- (a) At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements to include an exclusive left-turn lane on the southbound approach.

- (b) At the intersection of Fletcher Avenue and 22nd Street, construct intersection improvements to exclude exclusive right-turn lanes on the eastbound and westbound approaches.
  - (c) At the intersection of Fletcher Avenue and 56th Street, construct an intersection improvement to include an exclusive northbound left-turn lane.
  - (d) At the intersection of Fowler Avenue and Nebraska Avenue, construct an intersection improvement to include an exclusive left-turn lane on the northbound approach.
  - (e) At the intersection of Busch Boulevard and Florida Avenue, construct an exclusive northbound left-turn lane.
  - (f) Provide, at the intersection of I-275 and Fletcher Avenue, an eastbound left-turn lane on the east side and a westbound right-turn lane on the west side.
  - (g) At the intersection of I-275 and Busch Boulevard, construct an eastbound left-turn lane on the east side.
  - (h) Construct an additional northbound and southbound lane on I-75 between County Road 581 and Fletcher Avenue to create a 6-lane section.
  - (i) Construct an additional northbound and southbound lane on 30th Street between Fowler Avenue and Busch Boulevard to create a 4-lane divided roadway.
7. The Developer's fair share for said roadway improvements for GTE/Collier-326 shall be as is specified in Exhibit "E" which is attached hereto and by reference made a part hereof.

S. Because commitments for transportation improvements are adequate to permit only approval of Phase I of GTE/Collier-326, the capacity and loading of transportation facilities in the GTE/Collier-326 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 Building Development Phase after Phase I the Developer shall generate and provide the City, City of Tampa, the County, MPO and TBRPC with updated current traffic counts on the roadways designated above for the existing Building Development 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 Building Development 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 Building Development 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 Building Development 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 Building Development Phase, the Developer shall be permitted to commence construction of the next Building Development Phase in accordance with the schedule established in Paragraph N.1 above, subject to the requirement that the Developer shall provide traffic analyses for each subsequent Building Development 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 City the entire assessed contribution for each Building Development Phase before the first certificate of occupancy will be issued for any building in said phase.

The City agrees to hold all transportation fair share contributions received from the Developer in escrow and to pay the County or such other governmental entity having jurisdiction over one or more of the enumerated roadway segments an amount equal to the amount the Developer has paid to the City as its fair share contribution for said roadway segment(s) upon being furnished with evidence, satisfactory to the City, that the County or other governmental entity has committed to construct said transportation improvement. The County shall award contracts for construction of the improvements identified above and referred to in Exhibit E, attached hereto and by reference made a part hereof upon receipt

of contributions or impact fees from the Developer through the City 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 improvement programs, the cost of those improvements. On joint stipulation of both parties, the County, City and TBRPC may modify the above-referenced list of improvements, based on subsequent TSM measures and transportation studies.

- U. In the event that TBRPC revises its threshold criteria for level of service or for GTE/Collier-326 traffic and the City and the County concur with such revision, then the improvements identified in this Order which exceed those thresholds will be added as conditions of this Order and those improvements which do not exceed 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.
- V. The Developer shall construct and maintain signage and traffic control devices within GTE/Collier-326 and shall construct all roads within GTE/Collier-326 in accordance with City design criteria and standards and subject to City inspection and approval prior to acceptance. All roads within GTE/Collier-326 shall be dedicated to the City; however, the Developer shall have continuing maintenance responsibility for said roads as is more particularly described in Paragraph QQ hereinbelow. The Developer shall receive no credit against the transportation improvement contributions referred to hereinabove for roadway improvements or construction within GTE/Collier-326, for any access point thereto or for any road or street improvements which the City and the County deem to be ordinary costs of development.

- W. At its own expense, the Developer shall provide bus shelters, bus turnouts and information signs on or adjacent to GTE/Collier-326 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 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 City-approved shelter locations, which shall be reasonable and accessible via walkways/cross-walks for pedestrian movement to and from buildings. City-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.
- X. 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 City concurs in the result of study, or if the GTE/Collier-326 is determined by TBRPC to be located within a regional activity center,



then the Developer's proportionate share contribution for GTE/Collier-326 shall be adjusted accordingly.

Adjustments 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 determining 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.
- Y. In the event that any entity, other than FDOT, the County or the City, 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-326 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 or the City receive 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 improvement 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.
2. If the City adopts a transportation impact fee ordinance, and if TBRPC and the City find that the impact

fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier-326, the Developer, at its option, may elect to be governed exclusively by the provisions of said ordinance as to its proportionate share contribution for any remaining phases of GTE/Collier-326.

If the Developer elects this alternative, the Developer shall complete all contractual obligations undertaken at that point in constructing any improvements agreed to as satisfying a portion of its proportionate contribution in the Building Development Phase for which it is currently paying. Thereafter, the Developer may pay the City impact fees to the extent and in the same manner as such fees are imposed on other developers that are subject to such fees; provided, however, that:

1. The Developer shall be given credit against those impact fees imposed by City ordinance for all costs expended in engineering and in constructing improvements under the contractual obligations referenced herein, and
2. The Developer shall be given credit against those impact fees imposed by City 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 the City, 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.

A.A. The Developer shall participate in an environmental study for the North I-75 corridor in cooperation with the City, the County, the City of Tampa, HCCCPC, EPC, DCA, TBRPC, Department of Environmental Regulation (DER), Department of Natural Resources, other appropriate state and local agencies and other developers in the study area. The study shall be commenced prior to the issuance of construction permits for Building Development Phase II and shall be completed prior to any Building Development Phase III approvals. The study shall include, but not be limited to, the following issues:

1. Definition of study area boundaries;
2. Inventory of natural resources and environmental features within the study area, including but not limited to, the Hillsborough River, surface waters, groundwater resources, threatened and endangered species, prime and unique agricultural lands, and preservation/conservation areas and consider the approved Hillsborough River Study recommendations;
3. Identification of specific natural resources to be protected from the effects of urbanization;
4. Identification of specific growth management measures to be utilized to protect natural resources and/or to mitigate impact from urbanization;
5. Identification of opportunities for recreational use;
6. Assessment of the impacts associated with public facility expansion, such as physical plant location and operating procedures;
7. Formulation of programs to promote public facility expansion;

8. Identification of those actions necessary to be taken to implement the results of the study.

B.B. The Developer shall institute measures as cited below to assure TBRPC, the County and the City that GTE/Collier-326 will not infringe upon or degrade the natural integrity of the Hillsborough River as well as the regionally significant preservation and conservation areas associated with the site.

1. The Developer shall convey to the City Conservation Easements, in form and substance acceptable to the City and in accordance with Section 704.06, Florida Statutes, as to all property located within the Environmental Protection Commission and Department of Environmental Regulation (EPC/DER) jurisdictional line, plus a fifty (50') foot strip contiguous thereto; provided, however, that for any area contiguous to the EPC/DER jurisdictional line which is not contiguous to the River and which is part of a retention area, pond or lake, said Conservation Easement may extend only thirty (30') feet into the property contiguous to the EPC/DER jurisdictional property. Property within the Conservation Easements shall be maintained by the Developer, its heirs, successors or assigns.

Within Conservation Easements, native plant communities shall not be removed; provided, however, that additional plantings of native vegetation may be permitted by the City, with the concurrence of EPC and DER. No filling, excavation or construction of structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use or other

impermeable surfaces shall be allowed in Conservation Easements, except outfalls and utility lines may be constructed in such Easements without the specific approval of the City, EPC and DER. City Council may, on recommendation of the City Manager and the City Engineer, permit one road to traverse said Conservation Easement in order to provide adequate traffic flow within GTE/Collier-326; however, that no direct stormwater discharge shall be permitted to occur directly from said road into any conservation easement and provided further that said road shall comply with all City, EPC, DER and applicable governmental agency requirements and standards.

Any and all clearing, landscaping or similar activity in the area between the Conservation Easement and the setback line for structures other than buildings, including parking lots, driveways, walkways, fences, swimming pools, tennis courts and pads for decorative or recreational pads, may be done only with the prior City Council approval.

2. For all property located along the Hillsborough River, the minimum building setback shall be two hundred (200') feet from the mean high water line of the River or one hundred (100') feet from the EPC/DER line, whichever is greater; provided, however, that the minimum building setback for a hotel at the location specified in Exhibit "D" attached hereto and by reference made a part hereof, may be one hundred fifty (150') feet from the River for structures up to thirty (30') feet in height and provided further that hotel buildings, like other buildings and structures within a

PROF Zoning District, may be constructed to sixty-five (65') feet in height at a distance of two hundred (200') feet from the River.

[Any distances from the Hillsborough River shall be calculated by reference to the mean high water line of the River.]

3. For all property located along the Hillsborough River, the minimum setback for all other structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use shall be one hundred fifty (150') feet therefrom or fifty (50') feet from the EPC/DER jurisdictional line, whichever is greater; provided, however, that other structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use may be constructed between that setback and within two hundred (200') feet of the River only if a continuous berm is constructed between said structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads and the River and provided further that said berm shall comply with the following requirements:

- (a) As a minimum, the mound or berm shall be configured with smooth, consistent slopes and shall be a minimum of thirty-two (32") inches in height.
- (b) The mound or berm shall meander and shall be constructed in such a way as to save as many existing trees as possible.
- (c) In addition to the mound or berm, a continuous hedge shall be planted along the berm/mound and adjacent to the vehicular use area prior to issuance of any cer-



tificate of occupancy for any building on the zoning lot.

- (d) Said hedges shall be of an evergreen variety, planted and maintained so as to form a continuous, unbroken, eighty (80%) percent solid visual screen in conjunction with berms and mounds.
  - (e) Combination berms/mounds and hedge plantings shall be planted and maintained at a minimum overall height of six (6') feet.
  - (f) The berm/mound shall not encroach into the Conservation Easement by more than six (6') feet.
4. Exhibit "F", which is attached hereto and by reference made a part hereof, designates the preservation and conservation areas in accordance with TBRPC's adopted growth policy, Future of the Region (Sections 2.701, Preservation and 2.702, Conservation). Said areas shall be preserved/conserved as set forth in Exhibit "F" and other conditions of this section.
5. On-site wetlands shall be preserved/conserved as provided herein and on Map D/F of the ADA.
6. The four (4) isolated freshwater marshes at the north end of GTE/Collier-326 shall be recreated according to the guidelines set forth on pages 16-3 and 16-4 and Map C-2 of the ADA. Design parameters for the recreated sixteen and two-tenth (16.2) acre marsh shall include, but not be limited to:
- (a) The new marsh system will be created simultaneously with the removal of the four (4) existing marshes. Relocation of the wetland systems shall occur in April

or May. All man-made ponds shall be designed and maintained to limit or control aquatic vegetation and to minimize the reproduction of mosquitoes and other disease vectors.

- (b) Deepwater, permanent habitat for fish shall be provided at the southern end of the system. Annually in February, the Developer shall sample the shallow feeding areas to determine the fish population. If the City determines that said sample reflects an inadequate fish population for woodstork feeding, the City may require the Developer to stock the area with appropriate species.
- (c) For at least one (1) year prior to relocation of the marsh system, baseline data regarding woodstork utilization of the existing marsh and vegetationand, fish and wildlife composition of the system shall be collected by the Developer and provided to the City, EPC, DER and TBRPC. Thereafter, a report on the status of the marsh system and vegetational colonization of the recreated wetlands shall be included in each annual report. In said reports, the Developer shall detail the success of the water level control system and use of the marsh by the woodstorks and associated fish and wildlife. Said annual report data shall begin with the baseline information supplied prior to relocation and shall extend through each report.
- (d) Topsoil from the existing marshes shall be used to inoculate the new marshes with

- native vegetation and microorganisms.
- (e) A series of low ridges shall separate successively shallower marshes to form isolated, shallow woodstork feeding areas.
  - (f) Control structures shall be employed to allow manual control of water levels as needed during unusually wet or dry periods. In addition, cattails and exotics, including but not limited to Brazilian peppers and punk trees, shall be removed from the recreated marsh system by the Developer, on a monthly basis, beginning two months after creation of the marsh.
  - (g) Design water levels shall closely approximate existing conditions.
  - (h) The sixteen and two-tenth (16.2) acre site for the recreated marsh system shall be perpetually protected from any development through conveyance to the City of a Conservation Easement therefor, pursuant to Section 704.06, Florida Statutes, and shall be completely buffered by a vegetative barrier consisting of native shrubs, such as wax-myrtle, to protect against noise, air pollution and other detrimental influences.
  - (i) Prior to site plan approval, and quarterly thereafter through build-out, the Developer shall provide the City with reports of the ongoing DER monitoring of the Hillsborough River to serve as baseline data. In the event that the City determines that development activities are degrading water quality, building

permits shall be discontinued until revised development plans, correcting the causes of the degradation, are approved.

(j) The Developer shall immediately institute appropriate mitigation measures to avoid harm to any rare, endangered or threatened wildlife species observed on-site. The mitigation measures shall be undertaken pursuant to a Permit to Relocate a Threatened or Endangered Species issued by the Florida Game and Fresh Fish Commission. The plan must also receive the approval of the City, DER and EPC. Said permit(s) and approvals shall be obtained prior to commencement of any site clearance or construction in areas containing gopher tortoise burrows.

(k) The Developer shall prepare and obtain approval from the City, DER, EPC, the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service of its contingency plan for relocation of any eastern indigo snakes observed on site.

C.C. A total of ten (10) acres of uplands, representative of all the major vegetative communities in GTE/Collier-326, shall be preserved in their natural state to provide upland habitat for those species displaced as a result of construction at GTE/Collier-326. Of special concern will be the provision of adequate xeric habitat for the endangered species on the site.

D.D. Fencing of a type that will clearly identify and delineate the boundaries of all Conservation Easements/preservation areas and mitigate potential disruption of these areas shall be installed during construction and

shall be inspected by the City, EPC, DER and the project ecologist prior to the commencement of any land-clearing activities. Except for construction of the berm/mound referenced in paragraph B.B. above, the Developer shall preclude all contractors and others from using heavy machinery or equipment near or depositing sand or muck within said Conservation Easements.

E.E. No docking facilities or seawalls shall be constructed along the Hillsborough River.

F.F. Elevations for all structures shall be at or above the base flood elevation as required by the Federal Flood Insurance Program.

G.G. The proposed retention/detention wetland systems shall be modified pursuant to the design guidelines cited on page 113 of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978). In addition to complete compliance with the design guidelines of the Southwest Florida Water Management District (SWFWMD), the City and the County, the design criteria for this system shall include the following elements:

1. Approximately thirty-five to fifty (35-50%) percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow, vegetated littoral shelf.
2. The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater.
3. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
4. The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three (3) feet or less.

5. The littoral shelf shall be vegetated with a diverse group of native species, including Sagittaria, pickerelweed, Juncus, water lilies or cypress, which aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers.
6. A copy of an operation and maintenance (O & M) schedule shall be provided by the Developer and submitted to the City and TBRPC with each annual report. The O & M schedule shall provide for regular, frequent sediment-removal operations and periodic removal of dead vegetation.
7. The master drainage plan, which is depicted in Composite Exhibit "C" attached hereto and by reference made a part hereof, shall comply with all City, DER, EPC, Southwest Florida Water Management District (SWFWMD) and other governmental agency regulations, including but not limited to Stormwater Rule, Chapter 17-25, Florida Administrative Code. Further, the Developer shall ensure that the final stormwater drainage plan shall be prepared in accordance with the Master Drainage Plan set forth in TBRPC's approved Stormwater and Lakes System Maintenance and Design Guidelines (TBRPC, 1978).

In the event of a conflict between any of the criteria and guidelines herein, the more stringent criteria shall apply.

H.H. Prior to final plat approval, the Developer shall submit to the City and to EPC and DER a copy of the SWFWMD's Stormwater Discharge Permit or Exemption for GTE/ Collier-326. Further, the Developer shall ensure that the final drainage plan shall be prepared in accordance

with the latest City, SWFWMD, DER and EPC policies and standards for stormwater management.

The Developer shall be responsible for maintenance of on-site stormwater management systems. All drainage for streets must be totally located within the proposed road rights-of-way. Roadside ditches and swales must be designed as part of the total surface-water management system with high points in the ditches chosen to approximate natural drainage divides. Roadside swales must be designed to allow for cross-drain installation at driveways. Collector ditches for the surface water management must include City-approved maintenance berms and easements. Underdrains shall be installed by the Developer where the City determines that they are necessary or practicable, pursuant to good engineering practices.

The master drainage system, including but not limited to lakes, ditches and new marsh system shall be constructed in accordance with the Site Development Map attached hereto as Composite Exhibit "C" and by reference made a part hereof. The initial phase of said drainage system shall be included in the first subdivision plat for GTE/Collier-326. All drainage facilities, structures and designs shall be in accordance with City design criteria and shall be subject to City inspection and approval prior to City acceptance, plat approval and issuance of certificates of occupancy.

- I.I. Prior to the City's approval of any construction, the Developer shall undertake a lineament study to determine areas of greatest sinkhole potential within GTE/Collier-326. The study describing methods, findings and mitigative actions shall be submitted to the City and TBRPC and shall serve as a basis upon which the City may require modification of site development plans and additional site-specific subsurface testing prior to approval of



development within the areas to protect against hazards from potential subsidence.

J.J. The City will provide water and sanitary sewer service to GTE/Collier-326 on the following terms and conditions:

1. Water service.

- (a) The Developer shall design, construct and install, in accordance with prevailing City design criteria and subject to City inspection and approval prior to acceptance, all on-site improvements required by the City to connect GTE/Collier-326 to the City's water system. [On-site improvements shall be defined as all water and sanitary sewer facilities within GTE/Collier-326, including but not limited to all lines, mains, equipment, improvements, easements, rights-of-way or utilities, including all water mains, up to and including water meters, but excluding the water storage tank on the City Parcel.]

The minimum size of all public water mains shall be ten (10") inches in diameter. The water mains shall be located five (5') feet from the road right-of-way. The Developer shall purchase from the City a separate water meter, sized pursuant to the City's prevailing criteria for each zoning lot.

- (b) After City inspection and approval, the Developer shall convey to the City, by instruments acceptable to the City, said on-site water improvements, facilities and equipment and any other property or thing that the City deems necessary or convenient to operate said water system. In addition, the Developer, at its own expense, shall acquire and convey to the City all permits, rights-of-way, easements and

any property interest or thing specified by the City to be necessary or convenient to provide GTE/Collier-326 with a working water system. Upon City inspection, approval and acceptance of said improvements, equipment, facilities, permits, easements, rights-of-way, property, interests or things, the City shall operate and maintain said facilities and improvements as part of the City's utility system and subject to the City's ordinances.

- (c) In addition, the Developer shall construct and install a twelve (12") inch water main, in accordance with City standards and design criteria, connecting the River crossing to the City Parcel; the location of said main shall be determined by the City.
- (d) The City shall design, construct and install such off-site improvements as it may deem necessary to connect GTE/Collier-326 to the City's water system; provided, however, that the Developer shall provide the City with any and all assistance requested by the City in order to obtain all necessary permits, interests, easements, rights-of-way or any other property, interests or things specified by the City to be necessary or convenient to provide GTE/ Collier-326 with a water system. [Off-site improvements shall include all water and sanitary sewer facilities, located outside of GTE/Collier-326, including but not limited to all lines, mains, equipment, improvements, easements, rights-of-way or utility related items.]
- (e) The Developer shall convey to the City, by instruments acceptable to the City, all of said permits, easements, rights-of-way,

interests or things which the Developer now has or may hereafter acquire related to said water system.

- (f) Within thirty (30) days after the effective date of this Order, the Developer shall convey to the City certain real property, which is more particularly described in Exhibit "G" attached hereto and by reference made a part hereof (the "City Parcel"). Said conveyance shall be by warranty deed, free and clear of all liens and encumbrances and in a form and substance acceptable to the City.

The Developer shall provide the City with an unqualified fee title insurance policy on the City Parcel in the amount of One Hundred Thousand (\$100,000.00) Dollars. Said policy shall be purchased from a source and issued by an insurer reasonably acceptable to the City. A written binder for said insurance shall be delivered to the City at least ten (10) days prior to conveyance of the City Parcel.

The Developer represents that no real estate broker's, salesmen's commissions or finder's fees are payable to any person in connection with this conveyance, and the Developer agrees to hold the City harmless from any and all claims for such commissions or fees resulting from this conveyance.

Further, upon conveyance of the City Parcel, the Developer shall furnish the City with Developer's affidavit stating either that no improvements have been made to the City Parcel during the ninety (90) day period immediately preceding the date of conveyance, or, that if any such improvements have been made, all lienors in connection with said improve-

ments have been paid in full. In addition, at the time of conveyance of the City Parcel, the Developer shall furnish the City with the Developer's affidavit stating that the Developer has the sole, absolute and exclusive possession of the City Parcel.

Developer shall pay for all taxes and assessments on the City Parcel, for documentary stamps and for recording the deed.

The City Parcel and all City facilities, improvements, structures and property within GTE/Collier-326 shall be constructed and maintained by the City and in accordance with City design specifications and standards and shall be exempt from any and all reviews or approvals by the Developer, any architectural review board, property owners' association or other such entity for GTE/Collier-326; provided, however, that the City shall advise the Developer of its construction plans for the City Parcel and, upon Developer's written request therefor, shall supply copies of said plans to the Developer. The City shall attempt, to the extent that the City deems it to be reasonably practicable, to accommodate the Developer's suggestions as to the City Parcel.

2. Sanitary sewer service.

- (a) The Developer shall design, construct and install, in accordance with prevailing City design criteria and subject to prior City inspection and approval, all on-site sanitary sewer improvements that the City deems to be necessary or convenient to serve GTE/Collier-326, including but not limited to all sewer mains, lift stations, pumps, appurtenances and the

internal collection system, within GTE/Collier-326.

- (b) After City inspection and approval, the Developer shall convey to the City, by instruments acceptable to the City, all sanitary sewer facilities, including but not limited to, all sewer mains, (but not sewer laterals), pumps, lift stations, appurtenances, easements, rights-of-way, permits, and the internal collection within GTE/Collier-326, together with any other property, interest or thing that the City deems to be necessary or convenient to operate said sanitary sewer system. Thereafter, the City shall operate and maintain said facilities as part of the City's utility system and subject to the City's ordinances.
- (c) The Developer shall convey to the City, by warranty deed(s), in form and substance acceptable to the City and free and clear of all liens and encumbrances, all property on which lift stations have been constructed, together with a utility easement thereto.

The Developer shall provide the City with unqualified fee title insurance policy(s) in the amount of Ten Thousand (\$10,000.00) Dollars each on all such lift station property(s) conveyed to the City. Such policy(s) shall be purchased from a source and issued by an insurer reasonably acceptable to the City. A written binder for said insurance shall be delivered to the City at least ten (10) days prior to the conveyance(s) of said property(s) and acceptance of said property(s) and operation of said sewer system shall be expressly

contingent upon the City's approval of the policy(s) and binder(s).

The Developer shall represent that no real estate broker's, salesmen's commissions or finder's fees are payable to any person in connection with the conveyance(s) and shall hold the City harmless from any and all claims for such commission or fee resulting from the conveyance(s). The Developer shall pay for all taxes and assessments on any property(s) conveyed to the City and for documentary stamps and recording fees as to the deeds.

- Further, upon conveyance of said property(s), the Developer shall furnish the City with Developer's affidavit(s) stating either that no improvements have been made on the property(s) during the ninety (90) day period immediately preceding the conveyance or, that, if any such improvements have been made, all lienors in connection with said improvements have been paid in full. In addition, at the time of the conveyance(s) of said property(s), the Developer shall furnish the City with Developer's affidavit(s) stating that the Developer has sole, absolute and exclusive possession of the property(s) described.
- (d) The City shall design, construct and install such off-site improvements as it may deem necessary to connect GTE/Collier-326 to the City's sanitary sewer system; provided, however, that the Developer shall provide the City with any and all assistance requested by the City in order to obtain all necessary permits, interests, easements, rights-of-way or any other property interest or thing specified by the City to be necessary or convenient to

provide GTE/Collier-326 with sanitary sewer service. The Developer shall convey to the City, by instruments acceptable to the City, all of said permits, easements, rights-of-way, property, interests or things which the Developer now has or may hereafter acquire with regard to said sanitary sewer system.

- (e) The Developer may construct either a gravity or force main sanitary sewer collection system within GTE/Collier-326; provided, however, that any such sanitary sewer collection system shall be constructed according to City standards and design criteria and shall be subject to City inspection and approval prior to acceptance. If the Developer chooses to construct a force main type system, it shall be a low pressure system, with private lift stations for each zoning lot. The pressure line within the rights-of-way and the single, major lift station, which shall be located on the City Parcel, shall be owned and operated by the City. The force main for such a low pressure system shall be located five (5') feet from the road right-of-way.

If the Developer chooses to construct a gravity sanitary sewer collection system, all design and construction work shall be subject to City review, inspection and approval, together with approval by all other applicable governmental and regulatory agencies, prior to acceptance. Moreover, as a condition of City's approval and acceptance of said system, the Developer, at its sole cost and expense, shall televise the entirety of said sanitary sewer collection system prior to acceptance

and annually thereafter during the term of this Order. The results of said televising, shall be submitted to the City together with the Developer's annual report to the City. For a period of five (5) years after the entire sanitary sewer system has been completed and accepted by the City, the Developer shall correct and repair any and all leaks, defects or weaknesses in said system as reflected by the televising process. After expiration of the five (5) year period and after the televising report has indicated that no leaks, defects or weaknesses exist in said system for two (2) consecutive years, the City shall assume the responsibility to correct and repair any leaks, defects or weaknesses in said system. If the Developer fails to televise the sanitary sewer collection system or to cure any and all of said leaks, defects or weaknesses as required above, the City may do so and shall have a lien upon all of GTE/Collier-326 equal to the cost of such repairs, together with the cost of collection, including attorney's fees.

3. Improvement Fees.

Within thirty (30) days after enactment of this Order, the Developer shall provide the City with a letter of credit, in form and substance acceptable to the City, in the amount of \$3,234,700, representing the estimated water and sewer improvement fees for GTE/Collier-326. The City Council may approve an alternate method of security for said improvement fees upon finding that said alternate security device fully and completely secures to the City automatic, timely payment



of said fees. This letter of credit or City-approved alternate security device shall provide for automatic payment to the City on the date specified below or at the beginning of each Building Development Phase, whichever occurs first, as follows:

| <u>Building<br/>Development<br/>Phase</u> | <u>Payment<br/>Date</u> | <u>Amounts</u> |
|-------------------------------------------|-------------------------|----------------|
| I                                         | 4-1-85                  | \$ 621,300     |
| II                                        | 1-1-86                  | 1,163,800      |
| III                                       | 1-1-89                  | 759,400        |
| IV                                        | 1-1-92                  | 690,200        |

As building permit applications are received, the applicable water and sewer improvement charge will be calculated based on actual meter sizes; provided, however, that the Developer shall receive a credit equal to the amount paid by Collier Enterprises for construction of certain off-site utilities. Said credit shall be applied to the first GTE/Collier-326 water and sewer improvement fees at the following rates:

WATER

5/8" meter ..... \$ 500.00  
plus \$150.00 per unit over 1 unit

1" meter..... 1,750.00  
plus \$150.00 per unit over 5 units

1 1/2" meter..... 3,750.00  
plus \$150.00 per unit over 10 units

2" meter..... 6,500.00  
plus \$150.00 per unit over 20 units

3" meter..... 11,500.00  
plus \$150.00 per unit over 35 units

4" meter..... 20,000.00  
plus \$150.00 per unit over 55 units

6" meter..... 37,500.00  
plus \$150.00 per unit over 110 units

SANITARY SEWER

5/8" meter..... \$1,000.00  
plus \$250.00 per unit over 1 unit

|                                       |           |
|---------------------------------------|-----------|
| 1" meter.....                         | 3,500.00  |
| plus \$250.00 per unit over 5 units   |           |
| 1 1/2" meter.....                     | 7,500.00  |
| plus \$250.00 per unit over 10 units  |           |
| 2" meter.....                         | 13,500.00 |
| plus \$250.00 per unit over 20 units  |           |
| 3" meter.....                         | 23,000.00 |
| plus \$250.00 per unit over 35 units  |           |
| 4" meter.....                         | 40,000.00 |
| plus \$250.00 per unit over 55 units  |           |
| 6" meter.....                         | 75,000.00 |
| plus \$250.00 per unit over 110 units |           |

After said credit has been fully used or after all Building Development Phase I improvement fees have been credited, whichever occurs first, improvement fees shall be calculated at the prevailing City rates.

Upon commencement of each Building Development Phase, or the date specified above, whichever is earlier, the Developer shall pay the City from the letter of credit the improvement fees for that Phase based on the City's prevailing improvement fee rate at the time. The Developer shall pay any difference between the estimated and actual water and sewer improvement fees for any Building Development Phase immediately upon notification of the amount by the City. Excess improvement fees for any phase will be applied to reduce the amount of improvement fees required for the subsequent Building Development Phase. The City may adjust the estimated amounts required to be included in the letter of credit for each phase based on the experience of prior phases and on changes in the City's improvement fee rates.

4. Warranty.

The Developer agrees that, in addition to and together with each transfer, assignment and

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conveyance of on-site water and sanitary sewer improvements, the Developer shall warrant said improvements, including labor and materials, to the City for a period of one (1) year from the date of City's acceptance. Upon conveyance and warranty of said water and sanitary sewer improvements, the City shall operate and maintain said improvements, pursuant to the provisions of the Temple Terrace Code of Ordinances.

5. Easements.

The Developer shall plat and convey to the City a Utility Easement, Covenant Running with the Land and Indemnity Agreement in form and substance acceptable to the City Encompassing all such property(s) as the City shall specify to be necessary or convenient to repair, maintain, replace, operate, expand or in any way to serve its water and sanitary sewer system; provided, however, that the City may, in its sole discretion, waive some or all of said easement requirement if sufficient property has been properly dedicated to the City.

6. Flow Rates.

The total average daily flows which the City will accept or provide to GTE/Collier-326 shall be as follows:

- (a) Sanitary Sewer - Four hundred fifty thousand (450,000 GPD) gallons per day.
- (b) Water - Five hundred eighty thousand (580,000 GPD) gallons per day.

7. Wastewater Study.

The City shall conduct a wastewater treatment improvements plan and schedule for the North I-75 corridor in coordination with the County, the City of Tampa, DER, TBRPC and developers in the study area. The plan shall be

completed and adopted prior to issuance of any certificates of occupancy for Phase II, except that if the Developer demonstrates that sufficient transmission and treatment capacity has been committed and will be available for Phases II through IV, certificates of occupancy may be issued for said phases prior to completion of the plan. The plan shall consider all approved and projected development in the area and shall include, but not be limited to, the following elements:

- (a) Assessment of the amounts and sources of expected annual wastewater generation within the study area for a five (5) to ten (10) year period;
- (b) Identification of existing and future treatment capacity of all plants expected to provide treatment service;
- (c) Identification of 201 Plan amendments, expansions or new facilities which may be needed to accommodate anticipated flows;
- (d) Cost benefit analysis as to new facility construction versus expansion of existing facilities;
- (e) Identification of fiscal impact of utility boundary changes on regional facilities and on the DER and EPA-approved 201 Plan;
- (f) Identification of construction sources;
- (g) Identification of needed discharge points and effluent and sludge disposal areas, together with projection of ground and receiving water impacts;
- (h) Identification of possible future disposal sites and funding mechanisms for their acquisition.

K.K. Solid waste collection and disposal will be provided by the City or its designee in accordance with City requirements and standards.

L.L. The Developer shall provide separate hazardous waste storage containers/areas within GTE/Collier-326. These containers/areas shall be accessible to all businesses in GTE/Collier-326 and shall be clearly identified and marked in accordance with all applicable federal, state and local regulations to distinguish the containers/areas intended for hazardous wastes and materials. In addition, the Developer shall provide to all businesses within GTE/Collier-326 and to the City information that:

1. Indicates the 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; and
2. Indicates the location of the specially-designated hazardous waste and materials containers/areas; and
3. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The Developer shall ensure that any and all hazardous waste will be stored, handled, transported and disposed of in a manner consistent with all applicable federal, state and local regulations and laws.

M.M. 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

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 City standards and criteria.

N.N. Off-street vehicular facilities within GTE/Collier-326 shall comply with the requirements of the Temple Terrace Code of Ordinances, except as varied hereinbelow:

(1) Standards:

(a) All off-street parking areas shall be surfaced to provide a durable, stabilized, dustless surface; shall be graded and designed to dispose of surface water; and shall be constructed in accordance with prevailing City standards and design criteria and subject to approval by the City Engineer.

(b) Vehicular parking spaces shall be a minimum width of nine (9') feet and a minimum length of eighteen (18') feet, except:

(i) Parking spaces for the handicapped shall be a minimum width of twelve (12') feet and a minimum length of nineteen (19') feet.

(A) All such spaces shall be accessible to a curb ramp or curb-cut to allow access to the building, structure or use served and shall be so located that users are not compelled to wheel behind parked cars.

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 City standards and criteria.

N.N. Off-street vehicular facilities within GTE/Collier-326 shall comply with the requirements of the Temple Terrace Code of Ordinances, except as varied hereinbelow:

(1) Standards:

(a) All off-street parking areas shall be surfaced to provide a durable, stabilized, dustless surface; shall be graded and designed to dispose of surface water; and shall be constructed in accordance with prevailing City standards and design criteria and subject to approval by the City Engineer.

(b) Vehicular parking spaces shall be a minimum width of nine (9') feet and a minimum length of eighteen (18') feet, except:

(i) Parking spaces for the handicapped shall be a minimum width of twelve (12') feet and a minimum length of nineteen (19') feet.

(A) All such spaces shall be accessible to a curb ramp or curb-cut to allow access to the building, structure or use served and shall be so located that users are not compelled to wheel behind parked cars.

(B) Each parking space for the handicapped shall be prominently outlined with paint and posted with a fixed, non-movable sign of a color and design approved by the Florida Department of Transportation,

bearing the internationally accepted  
wheelchair symbol and the caption  
"PARKING BY DISABLED PERMIT ONLY".

(ii) Compact car spaces shall be a minimum  
width of eight (8') feet and a minimum  
length of sixteen (16') feet.

(c) Parking stall and aisle dimensions shall con-  
form to the following standards:

(i) The minimum dimensions for required off-  
street spaces for non-compact cars shall  
be:

| <u>Dimension</u>                     | <u>Diagram*</u> | <u>0°</u> | <u>45°</u> | <u>60°</u> | <u>75°</u> | <u>90°</u> |
|--------------------------------------|-----------------|-----------|------------|------------|------------|------------|
| Stall width, parallel<br>to aisle    | A               | 9.0       | 12.7       | 10.4       | 9.3        | 9.0        |
| Stall length of line                 | B               | 24.0      | 24.5       | 21.4       | 19.5       | 18.0       |
| Stall depth to wall                  | C               | 9.0       | 17.0       | 18.5       | 19.0       | 18.0       |
| Aisle width between<br>stall lines   | D               | 12.0      | 12.0       | 16.0       | 22.0       | 24.0       |
| Stall depth, interlock               | E               | 9.0       | 14.8       | 17.0       | 18.3       | 18.0       |
| Module, wall to interlock            | F               | 30.0      | 43.8       | 51.5       | 59.3       | 60.0       |
| Module, interlocking                 | G               | 30.0      | 41.6       | 50.0       | 58.6       | 60.0       |
| Module, interlocking to<br>curb face | H               | 30.0      | 41.8       | 49.4       | 56.9       | 58.0       |
| Bumper overhang (typical)            | I               | 0.0       | 1.5        | 1.8        | 2.0        | 2.0        |
| Offset                               | J               | ----      | 6.3        | 2.7        | 0.5        | 0.0        |
| Setback                              | K               | 24.0      | 11.0       | 8.3        | 5.0        | 0.0        |
| Cross aisle, one-way                 | L               | 18.0      | 18.0       | 18.0       | 18.0       | 18.0       |
| Cross aisle, two-way                 | -               | 24.0      | 24.0       | 24.0       | 24.0       | 24.0       |

(ii) The minimum dimensions for required off-  
street spaces for compact cars shall be:

| <u>Dimension</u>                     | <u>Diagram*</u> | <u>0°</u> | <u>45°</u> | <u>60°</u> | <u>75°</u> | <u>90°</u> |
|--------------------------------------|-----------------|-----------|------------|------------|------------|------------|
| Stall width, parallel<br>to aisle    | A               | 8.0       | 11.3       | 9.2        | 8.3        | 8.0        |
| Stall length of line                 | B               | 22.0      | 24.0       | 20.5       | 18.2       | 16.0       |
| Stall depth to wall                  | C               | 8.0       | 17.0       | 17.8       | 17.6       | 16.0       |
| Aisle width between<br>stall lines   | D               | 12.0      | 12.0       | 16.0       | 22.0       | 24.0       |
| Stall depth, interlock               | E               | 8.0       | 11.7       | 14.3       | 16.0       | 16.0       |
| Module, wall to interlock            | F               | 28.0      | 43.2       | 48.1       | 53.3       | 56.0       |
| Module, interlocking                 | G               | 28.0      | 43.2       | 48.1       | 53.3       | 56.0       |
| Module, interlocking to<br>curb face | H               | 28.0      | 43.2       | 48.1       | 53.3       | 56.0       |
| Bumper overhang (typical)            | I               | 0.0       | 1.5        | 1.8        | 2.0        | 2.0        |
| Offset                               | J               | 0.0       | 5.7        | 2.3        | 0.6        | 0.0        |
| Setback                              | K               | 22.0      | 11.3       | 8.0        | 4.1        | 0.0        |
| Cross aisle, one-way                 | L               | 18.0      | 18.0       | 18.0       | 18.0       | 18.0       |
| Cross aisle, two-way                 | -               | 24.0      | 24.0       | 24.0       | 24.0       | 24.0       |

\* The applicable diagrams are attached hereto as composite  
Exhibit "H", and by reference are incorporated herein.



- (d) In any parking area of ten (10) or more spaces, up to forty (40%) percent of the required number of spaces may be designated for compact cars. Compact car spaces shall be clearly designated for "Compact Cars Only." A compact car shall mean an automobile which has a width of seventy-two (72") inches or less and a length of one hundred eighty-six (186") inches or less. The placement of compact car spaces within a parking area shall conform to parking design standards and provide for safe and expedient traffic flow.
- (e) No off-street parking area shall be placed in a road right-of-way and, in no case, may vehicles be permitted to park over sidewalks or other pedestrian routes.
- (f) Off-street parking areas in excess of five (5) spaces shall have marked, individual spaces.
- (g) Off-street parking areas shall be designed with wheel stops or similar devices to prevent vehicles from overhanging onto public or private rights-of-way, pedestrian facilities or adjacent property. Such stops or guards shall be properly anchored or secured.
- (2) Minimum off-street parking space requirements:
  - (a) Hotels shall provide at least one and one-tenth (1.1) parking spaces per guest room and shall meet the parking requirements for any applicable restaurants, lounges, retail areas or meeting rooms.
  - (b) Offices shall provide at least three and two-tenth (3.2) parking spaces per one thousand (1,000) square feet of gross floor area.
  - (c) Service Centers shall provide at least two (2.0) spaces per one thousand (1,000) square

feet of gross floor area or six-tenth (.6) parking spaces per employee, whichever is greater.

(d) Light Industrial and Manufacturing uses shall provide at least one and one-half (1.5) parking spaces per one thousand (1,000) square feet of gross floor area or six-tenth (.6) parking spaces per employee, whichever is greater.

(e) All other uses, including accessory uses such as restaurants and retail commercial uses, shall provide for parking in accordance with the requirements of the Temple Terrace Code of Ordinances.

(f) The parking requirements for any use not specifically enumerated in the Temple Terrace Code of Ordinances or hereinabove shall be the same as provided for the use most similar to the one proposed as determined by the City.

(3) Additional off-street parking requirements:

Additional property shall be reserved on each zoning lot for potential expansion of required off-street parking areas. Said additional reserved area shall not be included as open space in determining compliance with the permeable area requirements for GTE/Collier-326 or for any zoning lot. One year after issuance of the certificate of occupancy (CO) for the principal structure on any zoning lot, and annually for two (2) years thereafter, the Developer shall provide the City with the following information:

(a) The number of spaces provided in the parking areas on the zoning lot; and

(b) The average daily occupancy in said parking areas during the peak hours of operation (the largest shift).

Predicated on said information, the City may require the Developer to submit a revised site plan for the zoning lot to include additional parking spaces up to a total of:

- (a) Three and five-tenth (3.5) spaces per one thousand (1,000) square feet of gross floor area for offices; and
- (b) Three (3.0) spaces per one thousand (1,000) square feet of gross floor area for service centers.

O.O. Within thirty (30) days after the effective date of this Order, the Developer shall convey the City Parcel to the City. Simultaneous with the Developer's conveyance of the City Parcel to the City, the Developer shall pay the City Four Hundred Thousand (\$400,000.00) Dollars. Said payment shall be used by the City to construct and equip a fire station.

The City shall have sole control over the design, construction and appearance of said fire station. The City Parcel, together with all City utilities, structures and facilities within GTE/Collier-326 shall be exempt from any control, direction, authorization or approvals by the Developer, any architectural review board, property owners' board or similar entity for GTE/Collier-326; provided, however, that the City shall advise the Developer of its construction plans for the City Parcel, and, upon Developer's written request therefor, shall supply copies of said plans to the Developer. The City shall attempt, to the extent that the City deems it to be reasonably practicable, to accommodate the Developer's suggestions as to the City Parcel.

Fire hydrants shall be constructed and installed within GTE/Collier-326 in such sizes and quantities and at such locations as may be required by the City. Fire hydrant requirements shall be determined on the basis of the types of uses within GTE/Collier-326. Accordingly,

to the extent they are inconsistent with and more stringent than the requirements of the City's Code, the fire hydrant requirements established by the City Fire Chief and City Engineer for GTE/Collier-326 shall supersede the requirements of the Temple Terrace Code of Ordinances.

P.P. The Developer shall provide the City, TBRPC and the County with assurance of availability and commitments for adequate water, waste water treatment, solid waste disposal, energy, police protection, emergency medical services and fire protection, prior to the issuance of construction permits for any building for which such services are required.

Q.Q.<sup>4</sup> The Developer shall subdivide GTE/Collier-326 in accordance with the requirements of the Temple Terrace Code of Ordinances, except as expressly waived herein;

1. All streets, roads and portions thereof within GTE/Collier-326 shall be platted and dedicated to the City; shall conform to City standards and design criteria; and shall be subject to City inspection and approval prior to acceptance. Exhibit "D", attached hereto and by reference made a part hereof, reflects the location of said roads and streets.

The Developer may be permitted to construct streets or roads without curbs and gutters upon the City's written approval of the Developer's proposed street/road and drainage specifications; provided, however, that the Developer shall fully and personally maintain all swales, shoulders and drainage systems within GTE/Collier-326 to City standards. The Developer shall fully maintain the City-approved paved surfaces of all public roads and streets for a period of one (1) year after the City's acceptance thereof.

Thereafter, during the duration of this Order, the City shall provide ordinary, routine maintenance for the paved surfaces of said roads and streets; provided, however, that the Developer shall perform all repairs and maintenance for said streets and roads which the City, in its sole discretion, determines to be necessitated or caused by inadequate or faulty drainage or by construction traffic or equipment. In the event that the Developer fails to maintain said streets, roads, swales, shoulders and drainage systems in accordance with City standards, the City shall notify the Developer of said failure in writing. If the Developer fails to cure said maintenance defects within thirty (30) days after said written notification, the City may perform such maintenance and shall receive a lien against all of GTE/Collier-326 equal to the cost for said maintenance, plus the costs of collection, including attorneys' fees.

2. Street lights shall be installed throughout GTE/Collier-326, in accordance with the requirements of the Temple Terrace Code of Ordinances.
3. All other exterior lighting within GTE/Collier-326 shall be focused inward and shall not reflect outside of GTE/Collier-326 or out of the zoning lot on which they are constructed.
4. The Developer shall construct and maintain an internal pedestrian traffic flow system, which shall be subject to City inspection and approval prior to issuance of certificates of occupancy for the applicable phase.
5. All utilities within GTE/Collier-326 shall be installed underground; provided, however, that

the Developer may, on showing of extraordinary need, be exempted from this requirement. Any above-ground utilities shall be landscaped and fully screened from view.

6. Any chainlink fences, which are visible from outside of the zoning lot, shall be landscaped with evergreen plantings to form a continuous, unbroken ninety (90%) percent solid visual screen.

R.R. In addition to those signs permitted pursuant to Section 3-26(a)-(e) of the Temple Terrace Code of Ordinances, the following signs shall be permitted in GTE/Collier-326:

1. Informational signs not visible beyond the boundaries of the zoning lot upon which they are situated or from any public thoroughfare or right-of-way and signs oriented inward upon a lot and intended solely for the information of employees and visitors;
2. One (1) architecturally designed and landscaped ground sign not to exceed five (5') feet in height and not to contain more than one hundred twenty (120) square feet in total surface area, whether the said sign is single or double faced. Said sign shall be only for the purpose of identifying the institution or facility and shall be of materials capable of withstanding the elements for a reasonable period of time. All plantings surrounding the sign shall be watered and adequately maintained by the Developer, the owner or tenant, all of whom shall be jointly and severally liable for said maintenance. Two (2) such ground signs one (1) facing each roadway, may be permitted on corner lots. No more than one

(1) ground sign may be erected at each major entrance to GTE/Collier-326 and each such sign shall be no more than two hundred (200) square feet in surface area.

3. All signs shall be subject to City review and approval in accordance with the site-specific permittal process detailed in Chapter 24, Temple Terrace Code of Ordinances.

S.S. The Developer shall implement a street-cleaning program for on-site parking and roadway areas within GTE/Collier-326, pursuant to the Areawide Water Quality Management Plan for the Tampa Bay Region (1978).

T.T. The Developer shall ensure that GTE/Collier-326, as fully and finally developed, shall include one hundred thirty (130) acres [forty (40%) percent of total Development acreage] of landscaped buffering and open space and shall comply with the landscaping requirements of the Temple Terrace Code of Ordinances. Further, the Developer shall be responsible for the maintenance of all such landscaped buffering and open space areas. The Developer shall operate and maintain irrigation systems and shall utilize on-site wells or shall pump from retention areas for open space and landscaping irrigation.

U.U. The Developer shall institute the wind and soil erosion control measures referenced in the ADA for minimizing adverse water and air quality impacts. Specifically, the Developer shall implement the measures to reduce fugitive dust and air emissions as referenced in the ADA. In addition, the Developer shall, as a means of reducing fugitive dust, accomplish the following:

1. Chemically stabilize heavily traveled primary haul route road sections; and
2. Periodically during construction clean dirt on paved roads adjacent to GTE/Collier-326 or as required by grading or site clearing permit; and

3. Use selective clearing to allow natural seeding to stabilize the disturbed soil and berms to minimize wind erosion; and
4. Regularly water all dirt roads; and
5. Develop asphalt roads as soon as practical; and
6. Stage clearing of lands within GTE/Collier-326 to reduce the amount of land exposed to windy conditions; and
7. Water and spray at all stages of clearing to ensure dust control; and
8. Mulch, seed and sod as soon as possible after final grading is completed; and
9. Undertake progressive development of roadways, landscaping and buildings for purposes of reducing fugitive dust emissions.

V.V. The Developer shall implement the energy conservation measures as set forth in the ADA.

W.W. As to all seven (7) archaeological sites located in GTE/Collier-326 and, as to all such sites located during construction and site clearing, the Developer shall be subjected to mitigative excavation as approved by the City and the Division of Archives. All data and artifacts recovered shall be reported to the City and to the Florida Division of Archives prior to any land clearing for construction.

X.X. 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 GTE/Collier-326 buildings after an evacuation order is issued, by:

1. Ordering all buildings closed for the duration of a hurricane evacuation order; and



2. Informing all employees of evacuation routes out of any flood-prone areas and of evacuation procedures; and
3. 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 City after occupancy of any portion of GTE/Collier-326.

Y.Y. Trees. The Developer shall comply with the City's tree removal ordinance, except as provided herein.

1. The Developer may, with City Council site-plan approval, remove trees on the following terms and conditions:
  - (a) Except in City-approved retention areas, no trees within the Conservation Easement areas shall be removed or damaged; and
  - (b) No trees twenty-four (24") inches in diameter or greater, when measured at four (4') feet above the ground, shall be removed, except on a specific finding by City Council that the location of said tree creates a unique hardship sufficient to justify a variance of the requirements of this ordinance. Further, any such variance may be conditioned on a requirement that the Developer replant additional trees on site to compensate for such removal; and
  - (c) The number of trees retained or replanted on site shall be sufficient to create a canopy shading twenty-five (25%) percent of the site. Said canopy shall be calculated based on the average canopy size for trees of the specified variety five (5) years after planting. In addition, trees located within the Conserva-

tion Easement areas may not be included in the calculation of the twenty-five (25%) percent canopy coverage requirement.

(d) Prior to application for any site clearing or building permit for GTE/Collier-326, the Developer shall provide the City with written notice of its election to follow the tree removal requirements of the Temple Terrace Code of Ordinances or the procedure outlined hereinabove.

2. Tree removal or relocation shall be in accordance with the mitigation, relocation and land recovery plan approved by the City, DER, EPC and TBRPC.

3. Trees located in road rights-of-way may be removed on the City's concurrence that said trees interfere with paving, drainage, egress and ingress points or sight lines or are otherwise hazardous to the safety of vehicular or pedestrian traffic.

4. The Developer shall erect temporary fences to protect trees during construction.

5. The following tree species may be removed without regard to the City's tree ordinance limitation provided above:

Pinos (Pines) in and within ten (10') feet of areas permitted to be disturbed.

Broussonetia Papyrifera (L.) Vent. (Paper Mulberry)

Casuarina Adans. (Australian Pine)

Enterolobium Contortisiliquum (Vell. Earpod)

Morong Jacaranda (Earpod tree) Acutifolia H. & B. (Jacaranda)

Malaleuca Quinquenervia (Cav.) Blake (Punk)

Melia Azedarach L. (Chinaberry)

Prunus Caroliniana Ait. (Cherry Laurel)

Schinus Terebinthifolius Raddi (Brazilian Pepper)

- Z.Z. The Developer shall maintain all open space areas within Collier/GTE-326.
- A.A.A. All development pursuant to this Order shall be in accordance with all applicable City, state and federal building codes, ordinances and other laws, except as otherwise provided herein.
- B.B.B. Any revisions to this Order not contemplated or addressed within this Order shall be subject to TBRPC's incremental review fee.
- C.C.C. The Developer shall pay the City's development review fees for any development, substantial deviation or other City review of GTE/Collier-326 within thirty (30) days after receipt of any City invoice therefor. Failure to make timely, full payment of said fees shall constitute a substantial deviation.

Section 5. 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 City 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 City Council on the finding of excusable delay in any proposed development activity.

Section 6. This Order shall be binding upon the Developer, its heirs, assigns or successors-in-interests.

Section 7. Any reference herein to any governmental agency shall be construed to include 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 Order.

Section 8. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect but all ordinances or parts of ordinances in conflict herewith are hereby repealed and with the concurrence of both parties, the Agreement between Collier Enterprises and the City,

dated April 28, 1983, is specifically superceded hereby.

Section 9. The City Clerk is hereby directed to send copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, TBRPC and DCA. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 10. If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part of parts shall be severable and the remaining part or parts hereof shall continue to be in full force and effect.

Section 11. The Developer shall record a notice of adoption of this Order pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk with a copy of the recorded notice.

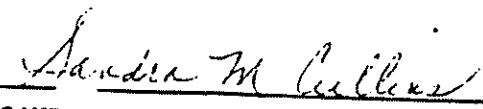
Section 12. This Ordinance shall take effect immediately upon its passage, approval and being posted, published or filed as required by law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE FLORIDA, ON March 29, 1985.

APPROVED BY THE MAYOR THIS 29th DAY OF March, 1985.

  
EDWARD B. SIMMON, MAYOR

ATTEST:

  
SANDRA M. CULLINS  
Deputy City Clerk

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI # 116 DEVELOPMENT ORDER**

WHEREAS, in August, 1984, GTE Realty Corporation/Collier Enterprises 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 proposes construction of a mixed-use corporate office park on approximately three hundred twenty six (326) acres located in northeastern Hillsborough County, hereinafter referred to as GTE/Collier-326; and

WHEREAS, approximately twenty (20) acres of the described project lies within the unincorporated area of Hillsborough County, the remaining portion lying within the jurisdiction of the City of Temple Terrace; and

WHEREAS, the Board of County Commissioners as the governing body of the 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 Board of County Commissioners of Hillsborough County has worked closely with the City Council of the City of Temple Terrace to ensure that this development order and the development order of the City are consistent in their terms and provide for the mitigation of regional impacts; 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 12, 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-326, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and 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.

#### 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 Zoning Hearing Master, 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(13), 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-326 Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1983), 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-326, 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 development of regional impact 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 non-compliance 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 (1983), 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 Commissioner's 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's 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 government 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 for Phases II and III. The issuance of a development order approving an area-wide development of regional impact that includes the impact of this Development shall satisfy the requirement 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 and/or additional north/south and east/west laneage and additional transit facilities 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, a minimum 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

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. 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 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 institute appropriate environmental controls to assure the County and the Tampa Bay Regional Planning Council that development of the project will not infringe upon or degrade the natural integrity of the Hillsborough River.

2. The Developer shall be responsible to provide reports of the on-going Department of Environmental Regulation monitoring of the Hillsborough River to the County, to serve as baseline data, prior to preliminary plan approval and quarterly thereafter through project build-out. In the event that GTE/Collier-326 development activities are degrading water quality, building permits shall be discontinued until revised development plans are instituted which correct the causes of the degradation.

3. The Developer shall, prior to approval of any construction, undertake a lineament study to determine areas of greatest sinkhole potential within the proposed development area. The study describing methods, findings and proposed mitigative actions shall be submitted to the County and shall serve as the basis for the County to require modification of development site plans, require additional site-specific subsurface testing prior to approval of development within the areas as appropriate to protect against potential hazards due to possible subsidings, or approved construction.

4. A tree survey of the upland forested areas on the site shall be required. 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.

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. These species aid in nutrient and heavy metal uptake as well as enhance 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 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 referenced herein, the stricter criteria shall apply.

2. Prior to 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. The littoral shelves of stormwater detention ponds shall be vegetated to enhance the treatment of stormwater runoff prior to discharge into the Hillsborough River. The design criteria shall include those elements specified in Paragraph 1, above.

4. The elevation for all habitable structures shall be at or above the 100-year base flood elevation as referenced in the application and as required by the Federal Flood Insurance Program.

E. Public Facilities

1. Prior to issuance of detailed site plan approval for each phase 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.

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 and 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.

5. Prior to detailed site plan approval for each stage, the Developer shall provide the County with specific information relating to the size and location of pipeline expansions required to have wastewater treatment services provided by the Hookers Point facility.

6. The City of Temple Terrace will provide water service to GTE/Collier-326 on the following terms and conditions:

- a. The Developer shall design, construct and install, in accordance with prevailing City design criteria and subject to prior City inspection and approval, all on-site improvements required by the City to connect the development to the City's water system. [On-site improvements shall be defined as all water facilities, including but not limited to all lines, mains, equipment,

improvements, easements, rights-of-way or utilities, located within the development including all water mains, up to and including water meters.]

- b. After City inspection and approval, the Developer shall convey to the City, by instruments acceptable to the City, said water facilities and equipment and any other property or thing that the City deems necessary or convenient to operate said water system. In addition, the Developer, at its own expense, shall acquire and convey to the City all permits, rights-of-way, easements and any property interest or thing specified by the City to be necessary or convenient to provide the development with a working water system. Upon inspection and acceptance of said facilities, permits, easements, rights-of-way, property, interests or things, the City shall operate and maintain said facilities and improvements as part of the City's utility system and subject to the City's ordinances.
- c. Excess infrastructure capacity required to serve phases II, III & IV shall be at the Developer's risk and development of phase I shall not vest Phase II, III, or IV development rights.

#### F. 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 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 and maintenance of all on-site wells and landscape irrigation systems. The Developer shall be required to utilize either shallow on-site wells, pumping from retention areas or acceptance of non-potable water for open space and landscape irrigation.

#### G. Wildlife

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

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 businesses information that:

1. 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.
2. Indicates the location of specially-designated hazardous waste and materials containers.
3. 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.

L. 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 mitigative 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.

K. Air Quality

The measures designed 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 travelled primary haul route road sections as necessary.
2. Undertake periodic cleaning of dirt during construction on paved roads adjacent to the site or as required by grading permit.



3. Wherever possible 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. Develop asphalt roads as soon as practical.
6. Stage clearing of lands within development areas to reduce land opened and exposed to windy conditions.
7. Undertake watering and spraying at all stages of clearing to ensure dust control.
8. Undertake mulching, seeding and sodding as soon as possible after final grading is completed.
9. Undertake progressive development of roadways, landscaping and buildings for purposes of reducing fugitive dust emissions.

L. 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 buildings after an evacuation order is issued. The plan shall include the following elements:

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

The aforementioned plan shall be included in the first annual report submitted after occupancy of any portion or phase of the project.

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.

Recognizing that this development is an integral part of the GTE/Collier-326 project and cannot exist on its own, the transportation impact of the

twenty (20) acre development was addressed in the analysis of the impact of GTE/Collier-326. Any requirements or conditions on the development of GTE/Collier-326 will therefore apply proportionately to the 20 acre site and are not to be construed as additional requirements. As a result, references within this section to Exhibits or paragraphs are to those contained within the Development Order for GTE/Collier-326 adopted by the Temple Terrace City Council on March 29, 1985. Any reference in this Section to the City shall mean the City of Temple Terrace.

GTE/Collier-326 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-326 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-326 so the retail/commercial element, originally proposed to include one hundred fifty thousand (150,000) square feet will not exceed fifty thousand (50,000) square feet and so that it will be physically reoriented and accessory in nature. Further, office space, originally proposed to be two million three hundred thousand (2,300,000) square feet, will not exceed two million fifty thousand (2,050,000) square feet. The modifications are reflected on the Revised Final Development Plan Map, which is attached hereto as Exhibit "D" and is incorporated by reference herein. 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 and that a greater portion of those trips will be internal to the site.

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-326 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 Building Development 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-326 are identified below. The improvements listed in this Order are predicated on the TBRPC DRI report, dated January 18, 1985, as revised to reflect changes in the proposed project.

P. Transportation Systems Management

The Developer shall submit for approval by TBRPC, the County, the City, and the Hillsborough Area Transit Authority (HART), a plan of transportation systems management (TSM) measures to be instituted and implemented for each Building Development Phase for GTE/Collier-326. 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 and modified retail and office areas ("amended ADA projections"), for Phase I by ten (10%) percent. 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 (7%) percent for each phase.

The plan shall be submitted to the reviewing agencies within one hundred eighty (180) days after issuance of this Order 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.

Because of the unique character of Phase I, in which GTE Data Services is to occupy all or most of said phase, the traffic analysis adopted hereinbelow assumes that the Developer shall adopt various TSM measures and that they will reduce

the daily peak hour traffic for Phase I by ten (10%) percent. If GTE Data Services does not occupy all or most of Phase I, no TSM credits will be given for any phase of GTE/Collier-326 prospectively.

The Developer's annual reports 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 City and 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 City or the County monitoring data indicates that the total peak hour trip reductions do not reach ten (10%) percent for Phase I and a minimum of seven (7%) percent for each of Phases II, III and IV, the County and the City 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 Building Development Phase(s).

To assure that the transportation impacts of GTE/Collier-326 have been accurately projected in the amended ADA, surveys shall be taken every two (2) years after certificates of occupancy for three hundred fifty thousand (350,000) square feet of office space, or the equivalent thereof in terms of trip generation, have been issued. 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 that shall not exceed the contribution.

Q. Contributions

1. The Developer's fair share, allowing a ten (10%) percent credit for TSM reductions in Phase I, as well as credit for TSM reductions to a minimum total of seven (7%) percent for each subsequent phase, is \$6,736,904. This amount is assessed as follows:

|           |             |
|-----------|-------------|
| Phase I   | \$1,545,345 |
| Phase II  | 1,308,270   |
| Phase III | 2,057,179   |
| Phase IV  | 1,826,111   |

2. If the Developer fails to gain through TSM, the reductions projected for any or all of said phases or if GTE Data Services fails to occupy Phase I, the Developer's contribution for GTE/Collier-326 is \$7,243,903, allocated as follows:

|           |             |
|-----------|-------------|
| Phase I   | \$1,717,110 |
| Phase II  | 1,351,413   |
| Phase III | 2,211,787   |
| Phase IV  | 1,963,594   |

3. The Developer shall have the option, with each Building Development 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 Exhibit E attached hereto and by reference made a part hereof. The Developer's costs shall be credited against the Developer's contribution for the subsequent Building Development 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 additional property along the entire north boundary of GTE/Collier-326 to provide road right-of-way equal to at least one hundred (100') feet from the center line of Fletcher Avenue right-of-way as it currently exists. The County shall thereafter maintain the dedicated Fletcher Avenue 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 (\$76,200) dollars per acre, which shall be applied against the Developer's Phase I contribution.

5. Prior to issuance of any building permits for Building Development Phase I, the Developer shall pay the City One Hundred Thousand Dollars (\$100,000.00) for a County transportation study which shall be conducted for the North I-75 Corridor area in cooperation with the FDOT, TBRPC, the City, Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO") and other developers in the study area by the County. The City shall provide said funds to the County pursuant to an interlocal agreement for the conduct of the study. Said funds shall be a credit against the Developer's fair share contribution. 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 changes in square footage and location of retail and office uses are accomplished as described above, the following transportation improvements are necessary to mitigate the impact of GTE/Collier-326.

- a. Construct a 4-lane section on Fletcher Avenue from I-275 to I-75. These through lanes shall have their termini in accordance with proper design standards.
- b. At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements providing for an exclusive left-turn lane on the eastbound, westbound and southbound approaches of the intersection as well as an exclusive right-turn lane on the eastbound and westbound approaches.
- c. At the intersection of Fletcher Avenue and Bruce B. Downs Boulevard, construct intersection improvements providing for an exclusive left-turn storage lane on all approaches, as well as an exclusive right-turn lane on the eastbound and westbound approaches.
- d. At the intersection of Fletcher Avenue and 15th Street, construct intersection improvements providing for exclusive left-turn storage lanes on the northbound and southbound approaches.
- e. At the intersection of Fowler Avenue and Morris Bridge Road, construct intersection improvements to provide for exclusive left-turn storage lanes on the eastbound and westbound approaches to the intersection.
- f. Provide one (1) major site access point on Fletcher Avenue with intersection improvements to allow for the safe and efficient movement of vehicles.
- g. Construct an additional northbound and southbound lane to create a 6-lane section on I-275 between Fletcher Avenue and Fowler Avenue.
- h. Construct a 4-lane section on U. S. 301 from Fowler Avenue to State Road 579. These through lanes shall have their termini in accordance with proper design standards.

- i. Construct a 4-lane section on Nebraska Avenue from Skipper Road to Bearss Avenue. These through lanes shall have their termini in accordance with proper design standards.
- j. Construct one additional through lane, northbound and southbound on Morris Bridge Road from 127th Street to Fowler Avenue. These through lanes shall have termini in accordance with proper design standards. The Developer, prior to commencing Phase II, shall conduct a comprehensive preliminary engineering study for this proposed improvement. If the County, or the agency within whose jurisdiction the road falls, concludes that this improvement is impractical, the Developer shall define an acceptable alternative(s) and shall contribute its fair share to the construction costs for the approved alternative improvement.
- k. At the intersection of Fowler Avenue and Nebraska Avenue, construct intersection improvements to provide for exclusive right-turn lanes on the northbound, eastbound and westbound approaches to the intersection.
- l. At the intersection of Fowler Avenue and Bruce B. Downs Boulevard, construct intersection improvements to include exclusive left-turn storage lanes on the southbound and eastbound approaches to the intersection.
- m. At the intersection of Busch Boulevard and Florida Avenue, construct intersection improvements to include an exclusive left lane and right-turn lane on the southbound approach to the intersection.
- n. Construct an additional northbound and southbound lane on I-275 between Fowler Avenue and Busch Boulevard.
- o. Construct an additional eastbound and westbound lane on I-4 between U. S. 301 and 50th Street.
- p. Construct a 6-lane section on Fowler Avenue from I-275 to I-75. These three (3) lanes shall have their termini in accordance with proper design standards.
- q. Construct a portion of the East-West Connector as a 4-lane road. (See Exhibit "F" attached hereto and incorporated by reference herein, for approximate location of said highway.) All design and construction shall take place in accordance with City standards relating to roadway design and construction as of the date that construction is initiated. The right-of-way for the East/West Connector shall be dedicated to the City prior to the issuance of building permits for Phase II.
- r. Provide one (1) additional major site access point on Fletcher Avenue with intersection improvements to allow for the safe and efficient movement of vehicles.
- s. Construct a 6-lane section with median on Fletcher Avenue from Dale Mabry Highway to Florida Avenue. These through lanes shall have their termini in accordance with proper design standards.
- t. At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements to provide for an exclusive right-turn lane eastbound and an exclusive right-turn and left-turn lane on the westbound approach.
- u. At the intersection of Fletcher Avenue and 15th Street, construct intersection improvements to include

exclusive left-turn lanes on the eastbound and westbound approaches to the intersection.

- v. At the intersection of Fowler Avenue and Nebraska Avenue, construct intersection improvements to include exclusive left-turn lanes on the eastbound and westbound approaches to the intersection.
- w. At the intersection of Fowler Avenue and Morris Bridge Road, construct intersection improvements to include exclusive left-turn lanes on the eastbound and westbound approaches to the intersection.
- x. At the intersection of I-75 and Fletcher Avenue, the construction, on the east side and eastbound left-turn lane and on the westbound and eastbound through lanes.
- y. At the intersection of I-275 and Fletcher Avenue, construct, on the west side, a westbound left-turn lane.
- z. At the intersection of I-275 and Fowler Avenue, construct a westbound left-turn lane on the west side.
- aa. Construct an additional northbound and southbound lane on I-275 between Fowler Avenue and Busch Boulevard to create an 8-lane section.
- bb. Construct an additional eastbound and westbound lane on I-4 between 50th Street and 40th Street to create a 6-lane section.
- cc. At the intersection of Fletcher Avenue and Nebraska Avenue, construct intersection improvements to include an exclusive left-turn lane on the southbound approach.
- dd. At the intersection of Fletcher Avenue and 22nd Street, construct intersection improvements.
- ee. At the intersection of Fletcher Avenue and 56th Street, construct an intersection improvement to include an exclusive northbound left-turn lane.
- ff. At the intersection of Fowler Avenue and Nebraska Avenue, construct an intersection improvement to include an exclusive left-turn lane on the northbound approach.
- gg. At the intersection of Busch Boulevard and Florida Avenue, construct an exclusive northbound left-turn lane.
- hh. Provide, at the intersection of I-275 and Fletcher Avenue, an eastbound left-turn lane on the east side and a westbound right-turn lane on the west side.
- ii. At the intersection of I-275 and Busch Boulevard, construct an eastbound left-turn lane on the east side.
- jj. Construct an additional northbound and southbound lane on 30th Street between Fowler Avenue and Busch Boulevard to create a 4-lane divided roadway.

7. The Developer's fair share for said roadway improvements for GTE/Collier-326 shall be as is specified in Exhibit "E" which is 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-326, the capacity and loading of transportation facilities in the GTE/Collier-326 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 Building Development Phase after Phase I, the Developer shall generate and provide the City, the City of Tampa, the County, MPO and TBRPC with updated current traffic counts on the roadways designated above for the existing Building Development 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 Building Development 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 reinserted consistent with generally accepted traffic engineering practices and 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 Building Development 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 Building Development 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 Building Development Phase, the Developer shall be permitted to commence construction of the next Building Development Phase in accordance with the schedule established in Paragraph N.1 above, subject to the requirement that the Developer shall provide traffic analyses for each subsequent Building Development Phase in accordance with the terms and conditions established above as to each such phase.

S. To discharge its responsibility to mitigate its proportionate share of the negative transportation impact of the project, the Developer shall pay the City the assessed contribution for each Building Development Phase before the first certificate of occupancy will be issued for the first building for said phase.

The City agrees to hold all transportation fair share contributions received from the Developer in escrow and to pay the County or such other governmental entity having jurisdiction over one or more of the enumerated roadway segments an amount equal to the amount the Developer has paid to the City as its fair share contribution for said roadway segment(s) upon being furnished with evidence, satisfactory to the City, that the County or other governmental entity has committed to construct said transportation improvement. The County shall award contracts for construction of the improvements identified above and referred to in Exhibit E, attached hereto and by reference made a part hereof upon receipt of contributions or impact fees from the Developer through the City 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, City and TBRPC may modify the above-referenced list of improvements, based on subsequent TSM measures and transportation studies.

T. In the event that TBRPC revises its threshold criteria for level of service or for GTE/Collier-326 traffic and the City and the County concur 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.

U. The Developer shall construct and maintain signage and traffic control devices within GTE/Collier-326 and shall construct all roads within GTE/Collier-326 in accordance with City design criteria and standards and subject to City inspection and approval prior to acceptance, except those roads lying in unincorporated Hillsborough County which shall be designed and constructed in accordance with County standards and criteria and subject to County inspection and approval. All roads within GTE/Collier-326 shall be dedicated to the City, except those within unincorporated Hillsborough County which shall be dedicated to the County; however, the Developer shall have continuing maintenance responsibility for said roads as is more particularly described in Paragraph QQ hereinbelow. The Developer shall receive no credit against the transportation

improvement contributions referred to hereinabove for roadway improvements or construction within GTE/Collier-326, for any access point thereto or for any road or street improvements which the City and the County deem to be ordinary costs of development.

V. At its own expense, the Developer shall provide bus shelters, bus turnouts and information signs on or adjacent to GTE/Collier-326 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 City-approved shelter locations, which shall be reasonable and accessible via walkways/cross-walks for pedestrian movement to and from buildings. City-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.

W. 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 City concurs in the result of study, or if the GTE/Collier-326 is determined by TBRPC to be located within a regional activity center, then the Developer's proportionate share contribution for GTE/Collier-326 shall be adjusted accordingly. Adjustments 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.

X. In the event that any entity, other than FDOT, the County or the City, 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-326 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 or the City receive 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 identified above, then said 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,

that in no event, shall the adjusted contribution exceed the amounts referenced herein-  
above.

Y. If the County adopts a transportation impact fee ordinance, and if TBRPC and the City find that the impact fee ordinance is a reasonable vehicle for apportioning the costs of transportation improvements necessitated by GTE/Collier 326, the Developer, at its option, may elect to be governed exclusively by the provisions of said ordinance as to its proportionate share contribution for any remaining phases of GTE/Collier-326.

If the Developer elects this alternative, the Developer shall complete all contractual obligations undertaken at that point in constructing any improvements agreed to as satisfying a portion of its proportionate contribution in the Building Development Phase for which it is currently paying. Thereafter, the Developer may pay the City impact fees to the extent and in the same manner as such fees are imposed on other developers that are subject to such fees; provided, however, that:

1. The Developer shall be given credit against those impact fees imposed by the County ordinance for all 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 City 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 the City, 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.

Z. 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 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  
  
Reviewed As To Form And  
Efficiency.

EXHIBIT "A"

PARCEL VIII

The South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 12, run thence N. 89°36'59"E., 1322.88 feet, along the North boundary of said South 1/2 of the Southwest 1/4 of the Northwest 1/4, to the Northeast corner thereof; thence S.00°09'55"W., 672.52 feet, along the East boundary of said South 1/2 of the Southwest 1/4 of the Northwest 1/4, to the Southeast corner thereof; thence S 89°28'48"W., 1321.11 feet, along the South boundary of said South 1/2 of the Southwest 1/4 of the Northwest 1/4, to the Southwest corner thereof; thence N00°00'45"E., 675.65 feet, along the West boundary of said South 1/2 of the Southwest 1/4 of the Northwest 1/4, to the POINT OF BEGINNING. Containing 20.457 acres, more or less.

Subject to 30 foot R/W Easement (O.R. 2643, P. 383);  
Subject to 30 foot TECO Easement (O.R. 2797, P. 409);  
And Subject to 30 foot Teleprompter Easement (O.R. 3687, P. 1354)

TOGETHER with a Non-Exclusive Easement for Ingress and Egress over and across the following described parcel; The West 30 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4; and the West 30 feet of the North 1/2 of the Northwest 1/4, Less the North 50 feet thereof; All in Section 12, Township 28 South, Range 19 East, Hillsborough County, Florida.

NOTE: Easements, rights-of-way, set back lines, reservations, agreements, and other similar matters taken from Lawyer's Title Insurance Corporation Commitment for Title Insurance No. BD 091199 dated April 2, 1984.

ORDINANCE NO. 584

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, PROVIDING FOR VOLUNTARY ANNEXATION OF CERTAIN REAL PROPERTY LYING WITHIN THE UNINCORPORATED AREA OF HILLSBOROUGH COUNTY, CONSISTING OF TWENTY ACRES AND LOCATED ADJACENT TO THE TAMPA TELECOM PARK, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF; REDEFINING THE CORPORATE BOUNDARIES TO INCLUDE THE ANNEXED AREA; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Chapter 171.044, Fla. Stat., provides for voluntary annexation of real property located in the unincorporated area of any county where the real property to be annexed is contiguous to a municipality and is reasonably compact; and

WHEREAS, the owners of the real property more particularly described in Exhibit "A", attached hereto and by reference made a part hereof, have petitioned for voluntary annexation to the City of Temple Terrace; and

WHEREAS, the City Council has determined that the petition bears the signatures of the owners of real property in the area proposed to be annexed and otherwise complies with all of the prerequisites to voluntary annexation set forth in Fla. Stat., Chapter 171; and

WHEREAS, after consideration of the petition, City has determined that the property should be annexed to the City,

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

Section 1. Pursuant to Chapter 171.044, Fla. Stat., that certain real property, more particularly described in Exhibit "A", attached hereto and by reference made a part hereof, is and shall be annexed into the corporate limits of the City of Temple Terrace, Florida and the municipal boundaries shall be extended and amended to reflect said annexation and to include said property.

Section 2. This ordinance shall be filed with the Clerk of the Circuit Court of Hillsborough County and with the Department of State.

Section 3. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.



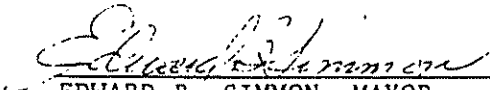
Section 4. This ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

Section 5. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

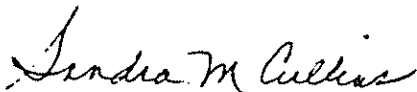
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 17<sup>th</sup> DAY OF June, 1986.

APPROVED BY THE MAYOR THIS 17<sup>th</sup> DAY OF June, 1986.

(CORPORATE SEAL)

  
EDWARD B. SIMMON, MAYOR

ATTEST:



SANDRA M. CULLINS  
DEPUTY CITY CLERK

ORDINANCE NO. 585

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING TEMPLE TERRACE ORDINANCE NO. 544, WHICH IS A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GTE/COLLIER-326; BY ENACTING A NEW SUBSECTION 4.J.11 TO PROVIDE FOR SUBMITTAL OF ANNUAL DRAINAGE REPORTS PER DRAINAGE BASIN; BY REPEALING SECTION 4.N IN ITS ENTIRETY AND BY ENACTING A NEW SECTION 4.N TO PROVIDE A MODIFIED BUILDING DEVELOPMENT SCHEDULE; BY ENACTING A NEW SUB-SECTION GG.8 TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS PER DRAINAGE BASIN; BY REPEALING SUB-SECTION 4.JJ.3 REGARDING IMPROVEMENT FEES AND BY ENACTING A NEW SUBSECTION 4.JJ.3 TO PROVIDE FOR AN AMENDED PAYMENT SCHEDULE AND BY PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Developer has requested that the City amend Ordinance No. 544, which is the D.R.I. Development Order issued by the City of Temple Terrace pursuant to Chapter 380, Florida Statutes, for GTE/COLLIER-326; and

WHEREAS, the Mayor and City Council have reviewed the proposed amendments and have determined that they do not constitute a substantial deviation from the Development Order, as defined in Chapter 380, Florida Statutes; and

WHEREAS, the chief purpose of the amendment is to provide additional developmental flexibility within the framework already established pursuant to the Development Order.

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

Section 1. Ordinance No. 544, the Development Order, enacted by the City of Temple Terrace pursuant to Chapter 380, Florida Statutes, for GTE/Collier-326 is hereby amended as follows:

A. Subsection 4.J. of the Development Order is amended by the addition of a new sub-subsection 11 to provide as follows:

11. A detailed report, per drainage basin, satisfactory to both the City and SWFWMD and specifying the actual run-off co-efficient per basin, predicated on the existing cumulative development per basin and compared to the approved run-off co-efficient pursuant to the Development Order plus one (1) year and five (5) year projections of the cumulative development run-off co-efficients per drainage basin.

B. Subsection 4.N. is repealed in its entirety and a new subsection 4.N. is enacted to provide as follows:

N. 1. Building Development Schedule. Development, other than utilities and infrastructure improvements, shall be constructed as follows:

|                     |           |              | CUMULATIVE TOTAL<br>BY USE |              |
|---------------------|-----------|--------------|----------------------------|--------------|
| PHASE I             |           |              |                            |              |
| Office              | 330,000   | sq. ft. GLA* | 330,000                    | sq. ft. GLA* |
| Service Center      | 270,000   | sq. ft. GLA* | 270,000                    | sq. ft. GLA* |
| Light Manufacturing | 300,000   | sq. ft. GLA* | 300,000                    | sq. ft. GLA* |
| Peak Hour Offsite   |           |              |                            |              |
| Vehicle Trips       |           |              | IN 308                     | OUT 919      |
| PHASE II            |           |              |                            |              |
| Office              | 420,000   | sq. ft. GLA* | 750,000                    | sq. ft. GLA* |
| Service Center      | 130,000   | sq. ft. GLA* | 400,000                    | sq. ft. GLA* |
| Retail              | 50,000    | sq. ft. GLA* | 50,000                     | sq. ft. GLA* |
| Hotel               | 350 rooms |              | 350 rooms                  |              |
| Peak Hour Offsite   |           |              |                            |              |
| Vehicle Trips       |           |              | IN 561                     | OUT 1414     |
| PHASE III           |           |              |                            |              |
| Office              | 700,000   | sq. ft. GLA* | 1,450,000                  | sq. ft. GLA* |
| Service Center      | 300,000   | sq. ft. GLA* | 700,000                    | sq. ft. GLA* |
| Retail              | N/A       |              | N/A                        |              |
| Hotel               | N/A       |              | 350 rooms                  |              |
| Light Manufacturing | 100,000   | sq. ft. GLA* | 700,000                    | sq. ft. GLA* |
| Peak Hour Offsite   |           |              |                            |              |
| Vehicle Trips       |           |              | IN 835                     | OUT 2526     |
| PHASE IV            |           |              |                            |              |
| Office              | 600,000   | sq. ft. GLA* | 2,050,000                  | sq. ft. GLA* |
| Service Center      | 300,000   | sq. ft. GLA* | 1,000,000                  | sq. ft. GLA* |
| Retail              | N/A       |              | 50,000                     | sq. ft. GLA* |
| Hotel               | N/A       |              | 350 rooms                  |              |
| Light Manufacturing | 100,000   | sq. ft. GLA* | 800,000                    | sq. ft. GLA* |
| Peak Hour Offsite   |           |              |                            |              |
| Vehicle Trips       |           |              | IN 1197                    | OUT 3908     |

\*Gross Leasable Area

2. Site Development Schedule. Subdivision, utilities and infrastructure improvements and utilities shall be constructed in two (2) phases as follows:
- (a) Site Development Phase I shall include the property depicted on the Site Development Map, which is attached hereto as Composite Exhibit "C" and by references made a part hereof.
  - (b) Site Development II shall include the balance of the property as depicted on the Site Development Map, which is attached hereto as Composite Exhibit "C" and by references made a part hereof.
3. Construction of GTE/Collier-326 substantially in accordance with the Building Development Schedule and Site Development Schedule set forth above is a condition of this Order. The City's determination of substantial compliance with the Building Development Schedule shall be predicated on both the relative mix of uses and off-site vehicle trip generation rates as follows:
- (a) The Developer may continue to construct additional uses and structures beyond the square footages specified for Building Development Phase I, up to the cumulative total for that use in Building Development Phases I and II before it has fully completed all construction in Building Development Phase I; provided, however, that as soon as the number of peak hour off-site vehicle trips equals the number of peak hour off-site vehicle trips that would have occurred to commence Building Development Phase II, as computed pursuant to the formula established

in Subsection 4 below, the Developer shall make all contributions and shall perform all conditions required to proceed into Building Development Phase II.

- (b) The Developer may not proceed into Building Development Phase III unless and until it has completed construction of at least ninety (90%) percent of the square footage specified above for each of the uses included in Building Development Phase I above and further, provided that, as soon as the number of peak hour off-site vehicle trips equals the number of peak hour off-site vehicle trips that would have occurred to commence Building Development Phase III, as computed pursuant to the formula for the ADT and "k" factor, established in Exhibit "B" attached hereto, the Developer shall make all contributions and shall perform all conditions required to proceed into Building Development Phase III.
- (c) The Developer may not proceed into Building Development Phase IV unless and until it has completed construction of at least ninety-five (95%) percent of the cumulative square footage totals for each of the uses listed for Building Development Phases I and II above and further, provided that, as soon as the number of peak hour off-site vehicle trips that would have occurred to commence Building Development Phase IV, as computed pursuant to the formula for the ADT and "k" factor established in Exhibit "B" attached hereto, the Developer shall make all contributions and shall perform all conditions required to proceed into Building Development Phase IV.

C. Subsection 4.GG. is amended by the addition of a new subsection 8 to provide as follows:

8. Annually, as a part of the reports the Developer must submit pursuant to the Order, Developer shall provide to the City and to SWFWMD a detailed report, satisfactory to both bodies, specifying the actual run-off co-efficient per drainage basin based on the existing cumulative development per basin, together with a comparison as to the approved run-off co-efficient as specified in the Development Order. In addition, with the annual report, the Developer shall provide to the City and to SWFWMD, its one (1) year and five (5) year projections of the cumulative run-off co-efficient per drainage basin.

D. Subsection 4.JJ.3 is repealed in its entirety and a new subsection 4.JJ.3 is enacted to provide as follows:

3. Improvement Fees.

Within thirty (30) days after enactment of this amendment to the Order, the Developer shall provide the City with a letter of credit, in form and substance acceptable to the City, in the amount of \$1,414,750.00 representing the adjusted estimated water and sewer improvement fees for GTE/Collier-326. Upon presentment of an acceptable letter of credit, the City shall return to the Developer its original letter of credit, which was previously tendered to the City. The City Council may approve an alternate method of security for said improvement fees upon finding that said alternate security device fully and completely

secures to the City automatic, timely payment of said fees. This letter of credit or City-approved alternate security device shall provide for automatic payment to the City on the date specified below or at the beginning of each Building Development Phase, whichever occurs first, as follows:

| <u>Building<br/>Development<br/>Phase</u> | <u>Payment<br/>Date</u> | <u>Amounts</u> |
|-------------------------------------------|-------------------------|----------------|
| I                                         | 4-1-85                  | \$ 146,250     |
| II                                        | 12-31-86                | 747,100        |
| III                                       | 1-1-89                  | 275,000        |
| IV                                        | 1-1-92                  | 246,400        |

As building permit applications are received, the applicable water and sewer improvement charge will be calculated based on actual meter sizes; provided, however, that the Developer shall receive a credit equal to the amount paid by Collier Enterprises for construction of certain off-site utilities. Said credit shall be applied to the first GTE/Collier-326 water and sewer improvement fees at the following rates:

WATER

|                                       |           |
|---------------------------------------|-----------|
| 5/8" meter                            | \$ 500.00 |
| plus \$150.00 per unit over 1 unit    |           |
| 1" meter                              | 1,750.00  |
| plus \$150.00 per unit over 5 units   |           |
| 1 1/2" meter                          | 3,750.00  |
| plus \$150.00 per unit over 10 units  |           |
| 2" meter                              | 6,500.00  |
| plus \$150.00 per unit over 20 units  |           |
| 3" meter                              | 11,500.00 |
| plus \$150.00 per unit over 35 units  |           |
| 4" meter                              | 20,000.00 |
| plus \$150.00 per unit over 55 units  |           |
| 6" meter                              | 37,500.00 |
| plus \$150.00 per unit over 110 units |           |

SANITARY SEWER

|                                       |            |
|---------------------------------------|------------|
| 5/8" meter                            | \$1,000.00 |
| plus \$250.00 per unit over 1 unit    |            |
| 1" meter                              | 3,550.00   |
| plus \$250.00 per unit over 5 units   |            |
| 1 1/2" meter                          | 7,550.00   |
| plus \$250.00 per unit over 10 units  |            |
| 2" meter                              | 13,500.00  |
| plus \$250.00 per unit over 20 units  |            |
| 3" meter                              | 23,000.00  |
| plus \$250.00 per unit over 35 units  |            |
| 4" meter                              | 40,000.00  |
| plus \$250.00 per unit over 55 units  |            |
| 6" meter                              | 75,000.00  |
| plus \$250.00 per unit over 110 units |            |

After said credit has been fully used or after all Building Development Phase I improvement fees have been credited, whichever occurs first, improvement fees shall be calculated at the prevailing City rates.

Upon commencement of each Building Development Phase, or the date specified above, whichever is earlier, the Developer shall pay the City from the letter of credit the improvement fees for that Phase based on the City's prevailing improvement fee rate at the time. The Developer shall pay any difference between the estimated and actual water and sewer improvement fees for any Building Development Phase immediately upon notification of the amount by the City. Excess improvement fees for any phase will be applied to reduce the amount of improvement fees required for the subsequent Building Development Phase. The City may adjust the estimated amounts required to be included in the letter of credit for each phase based on the experience of prior phases and on changes in the City's improvement fee rates.



Section 2. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue in full force and effect.

Section 3. This ordinance shall take effect immediately upon its passage, approval and being posted or published as required by law.

Section 4. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

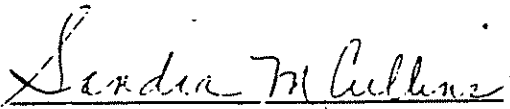
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 17th DAY OF JUNE, 1986.

APPROVED BY THE MAYOR THIS 17th DAY OF JUNE, 1986.

  
EDWARD B. SIMMON, MAYOR

(CORPORATE SEAL)

ATTEST:

  
SANDRA M. CULLINS  
DEPUTY CITY CLERK

