



KELLERHALS FERGUSON FLETCHER KROBLIN

501 EAST KENNEDY BLVD
SUITE 802
TAMPA, FLORIDA 33602-5237

PHONE (813) 898-2828
FAX (813) 898-2838
KFFKLAW.COM

#148

September 23, 2013

Mr. John Meyer, Principal Planner
Tampa Bay Regional Planning Council
4000 Gateway Center Blvd, Suite 100
Pinellas, Park FL 33782

Re: The Pavilion DRI #148 Minor Change Application

Dear Mr. Meyer:

Enclosed for your review and consideration is a copy of the proposed revised General Development Plan, which has been submitted to Hillsborough County requesting a Minor Change to the Pavilion planned development. The minor change requests an exchange of 80,000 sq. ft. of Office entitlements for 250 multi-family units to be constructed on Parcel E, as was contemplated and approved by Hillsborough County in April of 2013 and the corresponding Amendment to the DRI Development Order for Pavilion DRI.

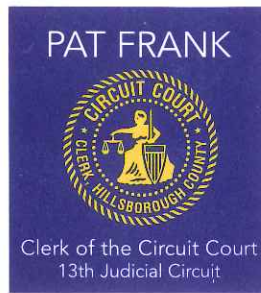
Should you have any questions, please do not hesitate to contact me at 813. 898. 2831.

Sincerely,

Tina M. Fischer

Enclosure

148



April 11, 2013

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
4000 GATEWAY CENTER BLVD SUITE 100
PINELLAS PARK FL 33782

Re: Resolution No. R13-055 – Amended and Restated Development Order for The Pavilion Development of Regional Impact (DRI #148)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on April 9, 2013.

We are providing this original for your files.

Sincerely,

Kimberly Richards, Associate Director
BOCC Records/VAB

bam

Certified Mail Receipt # 7003 3110 0004 4684 4179

Attachment

cc: Board files (orig.)
Ray Eubanks, Florida Department of Economic Opportunity (orig. ltr.)
Tina M. Fischer, Esq., Kellerhals Ferguson Fletcher Kroblin LLP (orig. ltr.)
Nancy Y. Takemori, Assistant County Attorney
Paige Ward, County Attorney's Office
John Healey, Development Services, Community Design
Christopher Weiss, Property Appraiser's Office
Tracy Torres, Property Appraiser's Office
Tom Fesler, Director, Business and Support Services
Nancy Milam, County Attorney's Office
Sharon Sweet, BOCC Records

RESOLUTION NO. R13-055

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR
DRI #148 – THE PAVILION

Upon motion by Commissioner Murman seconded by Commissioner Higginbotham the following Resolution was adopted by a vote of 7 to 0 Commissioner(s), voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact ("DRI") with the Hillsborough County Board of Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately two hundred and forty-five acres, located in central Hillsborough County; and

WHEREAS, July 11, 1989, The Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact (the "Project") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the Project from a nonresidential multi-use Project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1,364 residential units (approximately 884 Multi Family and 480 Single Family units); modification of the equivalency matrix to include residential uses; an extension of Project buildout date to December 31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the Project to down-zoning or density reduction to July 1, 2008; deletion of all references to Project phasing; deletion of all conditions related to Office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of Developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993, the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed to remove from the DRI .432 acres of land; reduce the approved Multi Family acreage by .432 acres to reflect the acreage reduction; reduce the total Project acreage to reflect the .432 acre reduction; and modify the Project Master Plan to reflect the .432 acre reduction; and

WHEREAS, on December 13, 1994, the Board of County Commissioners approved the Third Amendment (Resolution No. R94-0320) for THE PAVILION Development of Regional Impact pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 20, 1996, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed to extend the date within which to complete the pipeline improvement and modify certain conditions to reflect consistency with environmental permits; delete transportation monitoring provisions found unnecessary; delete conditions found not applicable or unwarranted for the new residential mixed use development; and revise Map H (the "General Development Plan") to reflect minor changes to conform with environmental permits and detailed drainage calculations; and

WHEREAS, on March 25, 1997, the Board of County Commissioners approved the Fourth Amendment (Resolution No. R97-095) for THE PAVILION Development of Regional Impact pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 28, 2003, Lennar Partners filed a Notification of a Proposed Change for a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed extension of the Project buildout date to December 30, 2006; and

WHEREAS, on May 13, 2003, the Board of County Commissioners approved an Amended and Restated Development Order approving the Fifth Amendment (Resolution No. R03-089) for THE PAVILION Development of Regional Impact pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 24, 2006, the Board of County Commissioners approved the Sixth Amendment to the Development Order (Resolution No. R06-016) for THE PAVILION Development of Regional Impact pursuant to the provisions of Section 380.06, Florida Statutes; extending the Project buildout date to December 30, 2010; extending the termination date and the date until which the development shall not be subject to down-zoning to July 11, 2012; reflecting the current number of Single Family residential units previously adjusted based on the Equivalency Matrix; reducing the number of Multi Family residential units from 834 to 604; reducing the Commercial square footage from 350,000 g.s.f. to 150,000 g.s.f.; adding 140,000 g.s.f. of Office uses; revising Map H to show the Commercial parcels (Parcels E and F) as Commercial/Office Parcels; and updating the Equivalency Matrix; and

WHEREAS, the County has acknowledged the extension of the Project's build out date from December 30, 2010 to December 30, 2012 pursuant to Senate Bill 360 (Chapter 2009-96, Laws of Florida), and the County has acknowledged the extension of the Project's buildout date from December 30, 2012 to December 30, 2016 pursuant to House Bill 7207 (Chapter 2011-139, Laws of Florida); and

WHEREAS, on February 13, 2013, the Developer filed an application to amend the Development Order pursuant to Section 380.06(19)(e)2 of the Florida Statutes to change the approved development table to reflect a trade-off mechanism to permit development of Multi Family in exchange for equivalent Office entitlements; to modify Map H to clarify that Multi Family, Commercial and Office uses are allowable uses on Parcel E in its entirety; and to amend the Project's the build out date to reflect legislative extensions previously acknowledged by the County ("Proposed Seventh Amendment"); and

WHEREAS, the described Project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, amendments to the Development Order pursuant to Section 380.06(19)(e)2 do not require submittal to the regional planning agency and the state planning agency; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on April 9, 2013 held a duly noticed public hearing on this Proposed Seventh Amendment to the Development Order and has considered the changes proposed therein, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILSBOROUGH COUNTY FLORIDA IN REGULAR MEETING ASSEMBLED THIS 9TH DAY OF APRIL, 20 13 AS FOLLOWS:

I. FINDINGS OF FACT

- A. Adler Development, Inc., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, a proposed amendment to a previously approved Development of Regional Impact pursuant to Section 380.06(19)(e)2 (hereinafter the "Application") which is on file with the Hillsborough County Development Services Department and incorporated by reference herein.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit "A".

- C. The authorized representative of the Developer is Jonathan Raiffe, Executive Vice President, Adler Development, Inc., 1400 N. W. 107th Avenue, 5th Floor, Miami, Florida 33172.
- D. A comprehensive review of the impact generated by the development as approved by this Amended and Restated Development Order has been conducted by the Hillsborough Development Services Department.
- E. The Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Seventh Amendment and to approve amendments to DRIs.
- F. The Proposed Seventh Amendment approved herein results in no new or additional regional impacts requiring further DRI review.

II. CONCLUSIONS OF LAW

- A. All statutory procedures have been adhered to and the impacts of the development authorized hereby are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.
- B. The Proposed Seventh Amendment adopted hereby is consistent with the State Comprehensive Plan, with the Future of Hillsborough Comprehensive Plan and with applicable land development regulations.
- C. The Proposed Seventh Amendment adopted hereby is a change to a development order pursuant to Section 380.06(19)(e)2, Florida Statutes, and no Notice of Proposed Change review is required.

Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby amends and restates the Development Order for the Pavilion DRI in its entirety to read:

III. GENERAL PROVISIONS

- A. This Resolution shall constitute an amendment to the Previously Approved Development Order for The Pavilion Development of Regional Impact.

- B. The legal description set forth in **Exhibit "A"** is hereby incorporated into and by reference made a part of this Amended and Restated Development Order.
- C. All provisions contained within the Application and Sufficiency Response shall be considered conditions of this Amended and Restated Development Order unless inconsistent with the terms and conditions of this Amended and Restated Development Order, in which case the terms and conditions of this Amended and Restated Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Amended and Restated Development Order.
- E. The Development Order as amended herein shall be binding upon the Developer and its heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Amended and Restated Development Order. All of the Developer's rights and responsibilities under this Amended and Restated Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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 Amended and Restated 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 Amended and Restated Development Order which shall remain in full force and effect.
- G. Whenever this Amendment or the 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 governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

- H. In each instance in this Amended and Restated Development Order where the Developer is responsible for ongoing maintenance of facilities at The Pavilion, 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, 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 Amended and Restated Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Amended and Restated Development Order as defined by the criteria of Chapter 380.06(19)(b) 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 Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, and may result in Hillsborough County ordering a termination of such development activity pending such review except as otherwise provided herein, or by law.
- J. The Hillsborough County Development Services Department shall be responsible for monitoring all terms and conditions of this Amended and Restated Development Order. For purposes of this condition, the Development Services Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Development Services Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Amended and Restated Development Order and provide a copy of said findings to TBRPC for their information. In the event of a deviation, the Development Services Department 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(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Economic Opportunity Forms BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Amended and Restated Development Order for each following year until and including such time as all terms and conditions of this Amended and Restated Development Order are satisfied. Such report shall be submitted to the Development Services Department which 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 Amended and Restated Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or 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 Amended and Restated 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 Amended and Restated 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 for the name(s) and address(es) of any heir, assignee or successor in interest to this Amended and Restated Development Order.
5. A statement describing how the Development has complied with each term and condition of this Amended and Restated Development Order applicable when the Annual Report was prepared.

- L. The provisions of this Amended and Restated 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 Amended and Restated 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 except as otherwise provided herein, or by law.
- M. This Amended and Restated Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (2012).

IV. SPECIFIC CONDITIONS

Phasing Schedule, Deadlines and Land Use Conversions

1. The Development of the Project shall proceed in accordance with the following proposed schedule:

Years	Residential Units	Commercial Retail (g.s.f.)	Office (g.s.f.)
1999-12/30/2016*	1116	150,000	140,000
	512 S.F.		
	604 M.F.		
Project build out extended by sixteen years, eleven months, 30 days from original Project build out date.			
<i>(amended: Resolution No. R93-0117; Resolution No. R03-089; Resolution No. R06-016; Resolution No. R13- <u>055</u> acknowledging build out extensions granted by the Florida legislature pursuant to HB7207, codified at Section 79, ch. 2011-139, Laws of Florida, and SB 360, codified at ch. 2009-96, Laws of Florida)</i>			

2. The Developer may decrease retail square footage and simultaneously increase the number of residential units pursuant to the formula represented in the Equivalency Matrix set forth on revised **Exhibit "B"**. Office Square footage may be decreased and a simultaneous increase in the number of Multi Family residential units to a maximum of 250 may be permitted on Parcel E for project total of 854 dwelling units. If Parcel E is developed as Multi Family, the existing Office entitlements can be exchanged for Multi Family entitlements at the rate of 3.13 DU/KSF . The Developer shall give notice to the Florida Department of Economic Opportunity and TBRPC of all land use conversions utilizing the Equivalency. The approved Map H for the Pavilion DRI, dated March 25, 2013, is attached hereto as **Exhibit "C"**. The Pavilion Project is approved with a build out date of December 30, 2016. The Developer shall give notice to the Florida Department of Economic Opportunity and TBRPC of all land use conversions utilizing the Equivalency Matrix in each annual report following such conversion(s).
3. This Amended and Restated Development Order shall remain in effect for a period up to and including December 30, 2016. No development authorized under this Amended and Restated Development Order shall be approved after expiration of the Amended and Restated Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Amended and Restated Development Order may be completed in accordance with the requirements of the Amended and Restated Development Order, if approved. This Amended and Restated Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty days prior to the expiration date of this Order.
4. The Development shall not be subject to down-zoning, or intensity reduction until December 30, 2016, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Amended and Restated Development Order have occurred, or the Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety or welfare.

5. The deadline for commencing physical development at the Project site shall be July 25, 1995. For purposes of this paragraph, "physical development" shall mean commencement of site preparation and horizontal infrastructure.

(amended: Resolution No. R93-0117; Resolution No. R03-089; Resolution No. R06-016; Resolution No. R13-055, acknowledging build out extensions granted by the Florida legislature pursuant to HB7207, codified at Section 79, ch. 2011-139, Laws of Florida, and SB 360, codified at ch. 2009-96, Laws of Florida)

Transportation

1. The Developer shall conform to the six stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits and shall monitor them with each annual report.
 - a. Access and internal road geometrics in nonresidential areas shall accommodate a ninety-six (96) inch wide by forty (40) feet long advance design coach.
 - b. The Developer shall provide shelters and pull-out bays along the on-site transit route. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.
 - c. Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop.
 - d. Maintenance of transit amenities shall be the responsibility of the property owner.
 - e. Details, standards and phasing of all transit amenity provisions must be approved by the Hillsborough Area Regional Transit Authority.

- f. The Developer shall make a good faith effort (documented) to inform potential tenants (lessee) of HART's employer sponsored bus pass program and merchant discounts for HARTline patrons.

(amended: Resolution No. R97-095)

- 2. The Developer, at its option, shall mitigate the impacts of the Project on the regionally significant roadway system through one or a combination of the options set forth below. Compliance with the provisions of any of the options described below has been deemed to make adequate provision to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the Department of Economic Opportunity (DEO) and the Tampa Bay Regional Planning Council (TBRPC). No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the DEO and the TBRPC. No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved.

- a. Option 1; Funding Commitment

- (1) Approval of the Development shall require funding commitments from the responsible entities for the roadway improvements listed in Transportation Tables 1 and 2. Without funding commitments for these improvements, construction permits shall not be issued.

- (2) Alternatively, if funding commitments have been made for specific regional roadway improvements, the Developer may sub-phase the Project. Specific amounts of Project development will then be approved if the following conditions exist:

- (a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.

- (b) Funding commitments for roadway improvements shall be required when the regional roadway operates below LOS D at peak hour and the development contributes 5 percent or more of LOS D at peak hour

capacity of the existing facility or such higher percentage as may be applicable upon designation of the Project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.

(c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring shall also be required in this instance.

b. Option 2:

(1) In the event that commitments for transportation improvements are only adequate to permit partial approval of the Pavilion development, the capacity and loading of transportation facilities in the south Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO"), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, as amended, with updated current traffic counts on the above roadways and Projections of traffic volumes that will result from the completion of the currently approved Project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a peak hour, Level of Service D (C peak rural). Both the traffic counts and the Projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, beyond the initial partial approval set forth in B.3.b.(2) below, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above a peak hour Level of Service D (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below a Level of Service D (C peak rural) at peak hour.

- a. Under this option the Developer may construct up to 286,800 square feet of retail space or 150 residential dwelling units (or a combination of uses not to

exceed the trip generation of 286,800 square feet of retail space or 150 residential dwelling units) with site access to/from U.S. 301 without demonstrating funding commitments for roadway improvements other than such improvements as may be necessary for obtaining permits for Project driveways onto U.S. 301 pursuant to applicable FDOT permitting requirements. The uses specified above have been determined to not cause impacts at other locations on the regional transportation network which warrant mitigation pursuant to TBRPC policy. Construction of said uses may proceed prior to the Developer's election to mitigate transportation impacts under Option 3 below.

(amended: Resolution No. R93-0117) Table 1 Required Link Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes				
Road	Segment	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Causeway Blvd. Lumsden Avenue	78th Street to Project Drive E	F	14.6	Construct 4-Lane Divided Arterial
Causeway Blvd. Lumsden Avenue	Project Drive E to U.S. 301	F	14.6	Construct 6-Lane Divided Arterial
Faulkenburg Road	Crosstown Exp. to Lumsden Ave.	F	22.5	Construct 6-Lane Capacity Enhanced Divided Arterial
Faulkenburg Road	Lumsden Avenue to U.S. 301	N/A	28.7	Construct 4-Lane Divided Arterial
Faulkenburg Road	Pavilion Road to Brooker Road	N/A	28.7	Construct 4-Lane Divided Arterial
Lakewood Drive	SR 60 to Lumsden Avenue	F	7.3	Construct 4-Lane Divided Arterial
U.S. 301	Causeway Blvd Project Drive A	F	13.0	Widen to 6-Lane Divided Arterial
U.S. 301	Project Drive A to Project Drive B	E	6.22	Widen to 6-Lane Divided Arterial

N/A: Not constructed at time of analysis

<p style="text-align: center;">Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Buffalo Avenue at U.S. 301	E	8.4	Construct third through lane and second left-turn lane NB and SB. Construct second through lane EB and WP.
Buffalo Avenue at Parsons Ave	E	5.3	Construct second left-turn lane NB and one right-turn lane SB. Construct second through lane EB and convert right-turn lane to through-right turn lane WB.
SR 60 at Lakewood Drive	E	16.0	Construct second through lane and left-turn lane NB and SB. Construct third through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Kings Avenue	E	11.7	Construct second through lane NB and SB. Construct second left-turn lane and one right-turn lane NB. Construct third and fourth through lane EB. Construct third through lane and convert right-turn lane to through-right turn lane WB.
SR 60 at Parsons Avenue	E	48.9	Construct second through lane NB and SB and third through lane EB and WB. Construct second left-turn lane SB.
SR 60 at Bryan- Kingsway Road	E	7.1	Construct right-turn lane NB. Convert right-turn lane to through right-turn lane EB. Construct second left-turn lane EB and third through lane WB.
SR 60 at Mud Lake Road	E	8.8	Signalize when warranted by MUTCD.
U.S. 41 at Palm River Rd	E	6.4	Construct second left-turn lane SB.
Palm River Rd at 78th St	E	47.5	Construct left-turn lane EB and WB. Construct right-turn lane EB.
U.S. 41 at Causeway Blvd.	E	23.3	Construct second left-turn lane NB and second right-turn lane EB.
Causeway Blvd at 78th Street	E	17.9	Construct second through lane and one left-turn lane and convert through-right-turn lane to right-turn lane NB. Construct second left-turn lane and one right-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second through lane and left-turn lane EB and WB.

<p style="text-align: center;">Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Causeway Blvd at North Entrance	N/A	N/A	Construct two-left turn lanes and one right-turn lane NB. Construct third through lane and one right-turn lane EB. Construct third through lane and two left-turn lanes WB. Signalize when warranted by MUTCD.
Lumsden Avenue at U. S. 301	E	100.00	Construct third through lane and second left-turn lane NB and SB. Convert right-turn lane to through- right-turn lane SB. Construct third through lane, second left-turn lane, and one right-turn lane EB. Construct third through lane and second left-turn lane WB.
Lumsden Avenue at Faulkenburg Road	E	25.4	Construct second through lane and one right-turn lane NB. Construct second through lane and one left-turn lane SB. Convert left-through lane to left-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second left-turn lane and one through-right-turn lane EB. Construct third through lane and second left-turn lane and convert right-turn lane to through right-turn lane.
Lumsden Avenue at Providence Road	E	54.3	Construct second through lane and two left-turn lanes NB and SB. Construct third through lane and second left-turn lane. Construct third through lane and convert right-turn lane to through-right-turn lane WB.
Lumsden Avenue at Kings Avenue	E	23.6	Construct second left-turn lane NB. Construct second through lane and convert right-turn lane to through right-turn lane EB and WB.
Lumsden Avenue at John Moore Road	E	72.6	Construct second through lane NB and SB. Construct second and third through lanes and one left-turn lane EB and WB.
Lumsden Avenue at Bryan-Kingsway Road	E	52.6	Construct left-turn lane NB, SB, EB and WB. Construct second through lane EB and WB.
U.S. 301 at Project Dr. A	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.

<p style="text-align: center;">Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
U.S. 301 at Project Dr. B	N/A	N/A	Construct two left-turn lanes NB and right turn lane SB. Construct left-turn lane and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. C	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Faulkenburg Road	N/A	40.6	Construct two left-turn lanes NB. Construct left-turn lane and right-turn lane SB. Construct two left-turn lanes, two through lanes and one right-turn lane EB. Construct two through lanes and one right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. D	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Brooker Road	N/A	53.5	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane, second through lane, and right-turn lane EB. Signalize when warranted by MUTCD.
Faulkenburg Road at Brooker Road	N/A	22.4	Construct two through lanes and right-turn lane NB and SB. Construct left-turn lane SB and left-through lane EB. Construct two left-turn lanes and through-right-turn lane WB. Signalize when warranted by MUTCD.
Lumsden Avenue at Lithia Road	E	34.6	Construct second through lane NB and convert right-turn lane to through-right-turn lane SB. Construct right-turn lane EB.
Bloomington Ave at US 301	E	36.9	Construct second left-turn lane SB.
Bloomington Ave at Providence Rd	E	20.3	Construct right-turn lane NB. Construct second through lane EB and WB.
Bloomington Avenue at Kings Ave	E	10.4	Construct second through lane EB and convert right-turn lane to through-right-turn lane WB.

Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Bloomington Ave at John Moore Rd	E	7.5	Construct right-turn lane EB.
Bloomington Ave at Bryan-Kingsway Rd	E	6.0	Construct left-turn lane EB.
U.S. 301 at Riverview Rd	E	41.8	Convert right-turn lane to through-right-turn lane NB. Construct second through lane SB.

N/A: Not constructed at time of analysis

- c. Option 3: Transportation Impact Mitigation: In lieu of or in conjunction with the election of Option 1 or 2 above, the Developer may elect Option 3 as set out below by informing the County of such election with copies to TBRPC within ninety (90) days of the Development Order becoming non-appealable. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the Project on regionally significant transportation highway facilities within the primary impact area. The selection of this mitigation/curing mechanism is based upon the Project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

(1) Subject to the other provisions of this Option 3, the Developer shall complete design, acquire needed right-of-way, including land needed for related stormwater facilities, and construct the extension of Faulkenburg Road from its proposed intersection with U.S. Highway 301 west and south to an intersection with Brooker Road. The Developer shall design and construct Faulkenburg Road as a four lane divided urban section.

(amended: Resolution No. R92-0217; Resolution No. R93-0117)

(2) The design work required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Design", and the cost or value of right-of-way and improvements required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Improvements". The cost of the Required Design and

the Required Improvements shall be referred to herein as the "Required Improvements Costs.

(3) The Developer shall initiate the Required Design within thirty (30) days of the election of this option. Subject to acts of God or other occurrences beyond Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before June 15, 1994. Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County. The Developer will bear any additional costs caused by the extension in the construction of the Required Improvements

(amended: Resolution No. R92-0217)

(4) Within three (3) months after the completion of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs, Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit against future transportation and right-of-way impact fees which may be assessed against the Project.

(amended: Resolution No. R92-0217)

(5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway Projects. Approval shall be in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The Required Design period shall not include review by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion. The County and FDOT review periods shall not exceed thirty (30) days.

(6) The Developer shall expeditiously seek final approval of road alignments for all appropriate agencies. Once road alignments for the Required Improvements have been finalized with all appropriate agencies to the extent necessary to

identify all needed right-of-way as defined in the Pavilion zoning conditions, which would occur on the land identified in Exhibit "A", the Developer will provide such right-of-way to the County upon request and in exchange for appropriate credit against satisfaction of the proportionate share amount or impact fees whichever is applicable.

(7) Subject to acts of God or other occurrences beyond Developer's control, Developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrances to Pavilion off of Falkenburg Road to the Project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison as a four lane divided highway or (2) July 11, 2003. However, in the event Falkenburg Road is not constructed as a four lane divided highway from Pavilion's southern boundary to Madison, by Project buildout the Developer shall be relieved of the responsibility for completing the remaining two inside lanes of the "Required Improvements". To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide nonfinancial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance.

(amended: Resolution No. R97-095)

(8) The Developer's Proportionate Share for Phase I the development has been calculated to be \$4,430,769. Under the reduction of the Project approved June 8, 1993, the Proportionate Share for the development has been calculated to be \$1,856,785. Said Proportionate Share has been calculated based on the formula set forth in Rule 9J-2.0255, F.A.C. as interpreted by policies of the Florida Department of Community Affairs, TBRPC, FDOT and Hillsborough County. In no event shall the Developer be required to make dedications, contributions and/or funding commitments for purposes of mitigating regionally significant impacts of which exceed the total Proportionate Share set forth above.

(amended: Resolution No. R93-0117)

(9) In lieu of the requirements under paragraphs B.2.c.(1)-(7) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order is estimated to be \$2,299,495 in 1993 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the Project under the law by paying the stated sums, which exceed Developer's proportionate share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein. If the County accepts payments under this section, it shall use such monies to expeditiously complete the Required Design and/or the Required Improvements and no further building permits shall be issued until the Required Improvements are complete.

(amended: Resolution No. R93-0117)

(10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements. Upon such failure, the Developer shall turn over to the County all design plans, maps, permit applications and any other materials produced which would assist the County in

completing the Required Design or construction of the Required Improvements.

(11) If the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein is not provided in substantial compliance with the requirements of this option, development activities and issuance of permits under this option shall immediately cease unless otherwise permitted to continue by Hillsborough County with the concurrence of TBRPC.

3. Pursuant to law, the Developer shall receive credit for all transportation mitigation expenditures against future transportation and right-of-way impact fees. The application and payment of transportation and right-of-way impact fees in itself does not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Proportionate Share Amount and the sum of the costs of the Required Design and the Required Improvements shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the Project. Should the difference be substantial the developer may elect to make other improvements of an equivalent value, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference shall be deemed to fully and completely satisfy any and all of its obligations under Chapter 380.06, Florida Statutes, to mitigate the traffic impacts of the Pavilion Project.
4. A pedestrian circulation system and a bicycle circulation system consistent with applicable standards of the 1-75 Corridor shall be provided within the Project.
5. Site Access to public streets shall be determined on the following basis:
 - a. The location and design of all Project driveways providing access to/from U.S. Highway 301 or Causeway Boulevard shall be subject to approvals pursuant to applicable permitting requirements of the Florida Department of Transportation (FDOT) and the approved General Site Plan. The location and design of driveways providing access to/from all public streets in or adjacent to the Project site shall be subject to Hillsborough County review and approval in conjunction with preliminary plat/preliminary site plan approvals for individual development tracts.

(amended: Resolution No. 97-095)

b. When any sub-phase of Office/Commercial development within the development is submitted for preliminary site plan approval, the Developer shall provide to Hillsborough County a transportation analysis that the Project's driveways on US Highway 301 north of Falkenburg Road, US Highway 301 south of Falkenburg Road, Falkenburg Road west of US Highway 301, and on Everhart Road, operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development. If the analysis demonstrates that the Project's driveways are operating at an unacceptable level of service, the applicant will be responsible for the construction of the necessary improvements to allow the Project driveways to operate at an acceptable level of service.

(amended: Resolution No. R06-016)

Air Quality/Wind and Water Erosion

1. The Developer shall undertake the measures referenced on page 13-5 and 13-6 of the ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during development.
2. The applicant shall provide an air quality impact analysis of the Project consistent with the Florida Department of Environmental Regulation (FDER) guidelines, and subject to review by FDER, the Hillsborough County Environmental Protection (HCEPC) and TBRPC prior to the issuance of building permits for the Project. Any exceedances of ambient air quality standards due to the adverse impacts of the Project shown in the analysis shall be mitigated prior to the issuance of building permits for the amount of development which triggers the exceedance. Proposed mitigation measures shall be submitted to FDER, HCEPC and TBRPC for review and comment. Required mitigation measures shall be established by amendment to the Development Order. In August 1992, the Developer demonstrated to the satisfaction of TBRPC, the Florida Department of Environmental Regulation ("FDER"), the Environmental Protection Commission ("EPC") and the County that Phase I (1997) would cause no exceedances of ambient air quality standards. Thus, no air quality mitigating measures are required for the Project.

(amended: Resolution No. R92-0217)

3. The applicant shall notify all tenants of their responsibility to comply with all of the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
4. Hillsborough County shall reserve the right to require mitigation measures to alleviate any adverse impacts of the Project on ambient air quality.

Soils

1. The methods discussed on page 14-1 of the ADA to overcome problems associated with the particular soil types occurring on-site shall be implemented.
2. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-5 and 14-6 of the ADA, at minimum, shall be implemented.

Stormwater Management and Water Quality

1. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits the Master Stormwater Management Plan and supporting calculations shall be submitted to TBRPC and FDER for review and to Hillsborough County and SWFWMD for approval. The Development's stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The appropriate Hillsborough County stormwater drainage system drainage criteria to be used is that which is in effect at the time of submittal and review of construction plans for the Project.
2. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40-D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. All necessary drainage and access easements shall be donated to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel must be fully executed and recorded prior to certificates of occupancy.
4. The Developer shall operate and maintain all on-site stormwater management facilities for the Development unless otherwise required or requested by the County.

5. In order to protect water quality the Developer shall implement Best Management Practices as recommended by the County and SWFWMD, including a street cleaning program for the parking and private roadway areas within the development.
6. In order to protect water quality there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to ground-breaking or subject to buildout, the Developer shall provide a surface water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by FDER. The following shall apply.
 - a. Sampling locations and frequencies shall be determined in cooperation with Hillsborough County, FDER and SWFWMD.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/ FDER Quality Control Standards and Requirements.
 - c. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, all construction within the subbasins where the violation is noted shall cease until the violation is corrected, or if specific construction activities can be identified as causing the violation, all such activity responsible for the exceedance shall cease until the violation is corrected.
7. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

Environmental and Natural Resources

1. Areas illustrated as "Conservation" on the zoning General Site Development Plan denote the general location and extent of areas which include certain wetlands that meet the definition of conservation areas in Section 10.3.1 of the TBRPC adopted growth policy, Future of the Region. The specific location and extent of such conservation areas shall correspond to those areas that fall within the jurisdiction of one or more of the agencies having authority to regulate development activity for purposes of protecting wetland resources. Alterations or removal within such areas shall be subject to applicable regulations of these agencies.

2. In order to protect the natural values of conserved wetland areas, the following shall be required:
 - a. Except as otherwise permitted by agencies having jurisdiction:
 - (1) A wetland/lake management plan shall be submitted to Hillsborough County and TBRPC for review and to FDER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be conserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration /enhancement.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed unless otherwise approved by agencies having jurisdiction.
4. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.
5. All mitigation areas and littoral shelves shall be monitored twice yearly for a period of three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years.

(amended: Resolution No. R97-095)

6. Nothing herein shall be construed to interfere with the ability of the Developer to perform any construction, modification or alteration activities contained in any consent order entered into by the Developer and any appropriate regulatory agency.
7. A representative tract of mesic oak hammock and hydric oak hammock, as listed on page 18-1 of the ADA, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.
8. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.

9. There shall be no net loss of hydrologic storage capacity in the 100-year flood plain.

Public Facilities

1. Water-saving devices shall be required in the Project (as mandated by the Florida Water Conservation Act Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping wherever feasible.
2. Prior to preliminary plat/preliminary site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan are options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities/ manpower/ equipment required to serve the Project are available.
3. The Developer shall be required to utilize public water, and public sewer and shall pay all required costs to connect for service delivery. The Developer shall submit to the County Planning and Development Management Department prior to the issuance of Zoning Compliance Permits, evidence of a current commitment from the City of Tampa Department of Water and Wastewater Utilities to provide public water and public sewer services, and evidence of agreement to pay necessary costs and to meet any other terms of the commitment such as depicted easements to enable the City to provide public water and public sewer service delivery.
4. Prior to issuance of preliminary plat/preliminary site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Medical Services capabilities and facilities are available to service the development.
5. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
6. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.

7. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06 (19) (a), F.S., unless required by Hillsborough County.

Hazardous waste

1. Large quantity generators of hazardous substances shall implement a site-specific surficial aquifer monitoring program as required by FDER, EPC and Hillsborough County. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle such quantities of hazardous wastes, to minimize hazards to human health and the environment. Such plan shall describe the procedure and actions required of facility personnel, as well as describe the necessary arrangements agreed to by local EMS, fire, police departments and hospitals and shall be included in the first annual report following occupancy of such use within the park.
2. All temporary hazardous waste storage facilities shall meet the criteria set forth in applicable federal, state and local regulations.
3. Hazardous waste storage areas within the Project shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials.
4. The Developer shall develop a program for the commercial portion of the Project which will emphasize the education of tenants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials, and inform potential tenants of applicable state and federal regulations and tenants' responsibilities in complying with such regulations.
5. All Pavilion owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

Energy conservation

1. All Pavilion tenants, businesses, residents, etc. shall be encouraged to:
 - a. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. obtain energy audits provided by energy companies or other qualified agencies;

- c. install water heaters timers and set water heaters at 130 degrees Fahrenheit or lower;
- d. use landscaping and building orientation to reduce heat gain, where feasible, for all Pavilion construction;
- e. promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
- f. reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- g. institute and utilize recycling programs;
- h. utilize energy efficient packaging and/or recyclable materials; and
- i. install total energy systems on large facilities when cost effective.

2. The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site.

(amended: Resolution No. R97-095)

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, Pat Frank, 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 land use meeting of April 9, 2013, as same appears of record in Minute Book 443 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of April, 2013.

PAT FRANK, CLERK

By: Michele K. Ditt
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

BY [Signature]
Approved as to Form and Legal Sufficiency

EXHIBIT "A"

Begin at the intersection of the Westwardly extension of the North line of Tract 12 in the Northeast 1/4 of Section 36, Township 19 South, Range 19 East of SOUTH TAMPA SUBDIVISION, as per map or plat thereof recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida; and 20 feet West of and parallel with the West line of said Tract 12. Run thence S.37°52'18"E., along the Westwardly extension of the North line of said Tract 12, along the North line of said Tract 11 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Eastwardly extension of the North line of said Tract 11 a distance of 1348.63 feet to the Northwest corner of Tract 10; thence N.00°13'21"E. along the Southwardly extension, and the West line of Tract 1 and along the West line of Tract 2 a distance of 1288.91 feet to a point on the Southerly right-of-way line of Causeway Boulevard; thence N.29°53'44"E. along said Southerly right-of-way line a distance of 150.00 feet; thence S.00°18'21"E. a distance of 261.41 feet; thence N.39°41'06"E. a distance of 95.11 feet; thence S.00°17'52"E. a distance of 344.73 feet, to a point on the North line of Tract 7; thence S.37°43'13"E. along the said North line of Tract 7 a distance of 400.25 feet to the Northwest corner of Tract 5; thence S.29°56'12"E. along the North line of said Tract 5 a distance of 424.32 feet; thence N.00°28'03"W. a distance of 602.13 feet to a point on the Southerly right-of-way line of Causeway Boulevard, (State Road No. 478); thence N.29°48'06"E. along the Southerly right-of-way line of Causeway Boulevard, a distance of 228.00 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.29°21'13"E. a distance of 41.36 feet to the intersection of the Southerly right-of-way line of Causeway Boulevard and the West line of lot "D" of BOULEVARD VILLAS SUBDIVISION as per map or plat thereof recorded in Plat Book 1, Page 45 of the Public Records of Hillsborough County, Florida; thence N.89°53'30"E. along the Southerly right-of-way line of said Causeway Boulevard, a distance of 428.21 feet; thence S.00°59'10"E. a distance of 170.00 feet; thence N.29°43'30"E. a distance of 159.69 feet; thence South a distance of 70.81 feet; thence N.18°53'30"E. a distance of 131.31 feet to a point on the Westery right-of-way line of U.S. Highway No. 301, (State Road No. 43); thence S.00°17'00"E. along the Westery right-of-way line of U.S. Highway No. 301, a distance of 782.53 feet; thence S.04°51'32"E. along the Westery right-of-way line of U.S. Highway 301, a distance of 313.72 feet; thence S.98°09'54"E. along the Westery right-of-way line of U.S. Highway 301, a distance of 18.87 feet; thence N.29°33'30"W. a distance of 997.00 feet; thence N.38°06'54"W. a distance of 131.34 feet to a point on the South line of Lot "C" of said BOULEVARD VILLAS SUBDIVISION; thence N.29°32'31"W. along the South line of said Lot "C", a distance of 793.72 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.00°26'18"E. along the East line of said Tract 5; a distance of 62.39 feet to the Southeast corner of said Tract 5; S.00°23'30"E., a distance of 30.01 feet to the Northeast corner of Tract 3 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.00°18'21"E. along the East line of said Tract 3, a distance of 263.93 feet to a point on the Westwardly extension of the North line of Lot "K" of said BOULEVARD VILLAS SUBDIVISION; thence S.32°57'05"E. along the Westwardly extension of the North line of said Tract "K"; along the North line of said Tract "K", along the Eastwardly extension of the North line of said Lot "K", and along the North line of Lot "L" of said BOULEVARD VILLAS SUBDIVISION, a distance of 341.21 feet to a point on the Westery right-of-way line of U.S. Highway No. 301; thence S.00°06'54"E. along the Westery right-of-way line of U.S. Highway No. 301, a distance of 160.87 feet to the P.C. of a curve to the left having a radius of 3821.58 feet; thence along the Westery right-of-way line of U.S. Highway No. 301, a distance of 821.87 feet along the arc of said curve, thru a central angle of 06°36'28"; a chord bearing and distance of S.11°25'13"E., 871.30 feet to a point on the Northerly right-of-way line of Everhart Road; thence N.19°14'13"W. along the Northerly right-of-way line of Everhart Road, a distance of 177.73 feet; thence S.00°35'45"W. along the Northerly right-of-way line of Everhart Road, a distance of 25.00 feet; thence N.30°24'15"W. along the Northerly right-of-way line of Everhart Road, a distance of 452.13 feet; thence S.28°23'47"W. along the Northerly right-of-way line of Everhart Road, a distance of 325.77 feet; thence S.32°18'33"W. along the Northerly right-of-way line of Everhart Road and its Westwardly extension, a distance of 729.43 feet to a point on the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence S.20°59'48"W. a distance of 13.98 feet to the Southeast corner of Tract 3 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°53'45"W. along the South line of said Tract 3, along the South line of Tract 4 and the Westery extension of the South line of said Tract 4, a distance of 1317.56 feet to a point 30.00 feet West of and parallel with the West line of said Tract 4; thence N.00°00'10"W. along said line a distance of 874.57 feet to a point on the Westwardly extension of the South line of Tract 13; thence N.00°03'32"W. along a line 30 feet West of and parallel with the West line of Tract 13 and Tract 12 a distance of 1269.87 feet to the POINT OF BEGINNING.

LESS the following described Parcels numbered 2, 3 and 4

PARCEL 2:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the south right-of-way line of Causeway Boulevard and the West boundary of said Tract B; run thence N. 89° 51' 30" E., along said South right-of-way line of Causeway Boulevard, a distance of 168.55 feet; thence S. 00° 05' 30" E., a distance of 170.00 feet; thence N. 89° 51' 30" E., a distance of 50.00 feet for a Point of Beginning; continue thence N. 89° 51' 30" E., a distance of 35.00 feet; thence S. 00° 05' 30" E., a distance of 125.00 feet; thence S. 89° 51' 30" W., a distance of 35.00 feet; thence N. 00° 00' 07" W. 1, a distance of 125.00 feet to the Point of Beginning.

PARCEL 5:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida. Being more particularly described as follows:

For a point of reference commence at the intersection of the south right-of-way line of Causeway Boulevard, and the West boundary said Tract B. run thence N. 89° 51' 30" E., along said South right-of-way line of Causeway Boulevard a distance of 168.55 feet; thence S. 00° 05' 30" E., a distance of 170.00 feet; thence N. 89° 51' 30" E., a distance of 139.48 feet; thence S. 00° 17' 00" E., a distance of 77.00 feet for the Point of Beginning. Continue thence S. 00° 17' 00" E., a distance of 60.70 feet to a point on the South line of said Tract "B"; thence N. 89° 51' 30" E., along the South line of said Tract "B", a distance of 100.00 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (S.R. No. 43); thence N. 00° 27' 00" W., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 60. feet; thence S. 89° 51' 30" W., a distance of 100.00 feet to the Point of Beginning.

PARCEL 4:

A parcel of land being a portion of Tract B, as shown on the plat of Boulevard Villas, as recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commence at the intersection of the south right-of-way line of Causeway Boulevard per County Commission Minutes Book 0, Page 458, Hillsborough County Records, and the Westerly line of said Tract B; thence N. 89° 51' 30" E., along said South right-of-way line, for 168.55 feet; thence S. 00° 05' 30" E. for 170.00 feet; thence N. 89° 51' 30" E. for 50.00 feet to the Point of Beginning; thence continue N. 89° 51' 30" E. for 35.55 feet; thence SOUTH for 16.81 feet; thence N. 89° 51' 30" E. for 51.11 feet; thence S. 00° 17' 00" E. for 60.70 feet to a point on the South line of said Tract B; thence S. 89° 51' 30" W., along said South line, for 129.40 feet; thence N. 00° 05' 30" W. for 11.89 feet; thence N. 89° 51' 30" E. for 35.00 feet; thence N. 00° 00' 07" W. for 125.00 feet to the Point of Beginning.

SUBJECT TO existing easements and rights-of-way of record.

Exhibit "B"

Exhibit B (Revised)
PAVILION DRI

(July 26, 2005)
NOPC

Land Use Trade-Offs

A. LAND USE TRADE-OFF RATES (MULTIPLICATION FACTORS)					
CHANGE TO ↓	CHANGE FROM →	Single Family Detached (Dwelling Unit)	Multi-Family Apartment (Dwelling Unit)	Shopping Center (1,000 SF)	Minimum Maximum
Single Family Detached (Dwelling Unit)		-	0.6367	5.933	300 1,750
Multi Family Apartment, (Dwelling Unit)		1.5707	-	9.3189	250 2,550
Shopping Center (1,000 SF)		0.1685	0.1073	-	100 500
General Office (1,000 SF)		0.4058	0.2584	2.4078	0[1] 260 [1]
B. TRADE OFF EXAMPLE					
EXAMPLE 1: TRADE FROM SINGLE FAMILY TO APARTMENT					
Trade 30 (dwelling units) of Single Family detached for ? (dwelling units) of Apartment					
= 30 (dwelling units) of Single Family detached x 1.5707 x (dwelling Units) Apartment					
= 47 (dwelling units) of Apartment					
C. SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES					
Land Use	NOPC Total 1000 SF of		Trips [2]		Trips/ Measure
Single Family Detached (ITE 210)	512 Dwelling Units		466	0.9102	Dwelling Unit
Multi-Family Apartment (ITE 220)	604 Dwelling Units		350	0.5795	Dwelling Unit
Shopping Center (ITE 820)	150 1,000 SF		810	5.4	1,000 S.F.
General Office (ITE 710)	140 1,000 SF		314	2.2429	1,000 S.F.
D. FOOTNOTES					

[1] Office land use was not previously reviewed and no minimum or maximum limits were previously approved.

[2] All trips are ITE, 7th Edition gross external trips (see NOPC Trip Generation, Table 4)

VICINITY MAP

#148

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Victor D. Crist
Ken Hagan
Al Higginbotham
Lesley "Les" Miller, Jr.
Sandra L. Murman
Mark Sharpe



Office of the County Administrator
Michael S. Merrill

CHIEF ADMINISTRATIVE OFFICER
Helene Marks

CHIEF FINANCIAL ADMINISTRATOR
Bonnie M. Wise

DEPUTY COUNTY ADMINISTRATORS
Lucia E. Garsys
Sharon D. Subadan

October 7, 2011

Ms. Anne Q. Pollack
Mechanik Nuccio Hearne & Wester
305 South Boulevard
Tampa, FL 33606

RE: The Pavilion Development of Regional Impact – DRI # 148
HB 7207 Build Out Date Extension

Dear Ms. Pollack:

We have received your letter notifying the County that you intend to utilize the provisions of House Bill (HB) 7207 to extend the build out and expiration dates of the Pavillion DRI Development Order (DO) by four (4) years.

In October of 2009 the County acknowledged a two (2) year extension of the project's build out and expiration dates to December 30, 2012 pursuant to Senate Bill 360.

Pursuant to HB 7207 the County acknowledges that the project's build out and expiration dates are further extended by four (4) years to December 30, 2016.

It is noted that, while you do not intend to waive any extension to mitigation requirements authorized by HB 7207, you have also stated that you have undertaken a review of the DO and did not identify any mitigation dates that could be extended pursuant to HB 7207.

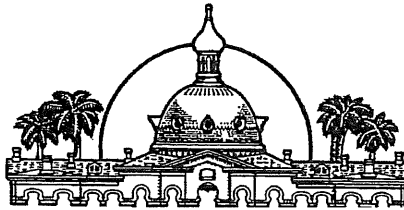
If you have any questions, please call me at 813.276.8393.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Healey". The signature is fluid and cursive, with a large initial "J" and "H".

John E. Healey, AICP

cc: John Meyer, Tampa Bay Regional Planning Council (via e-mail)
Nancy Takemori (via e-mail)



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White

ADMINISTRATORS

Lucia E. Garsys
Carl S. Harness
Eric R. Johnson
Michael S. Merrill
Manus J. O' Donnell
Edith M. Stewart

October 28, 2009

Ms. Anne Q. Pollack
Mechanik Nuccio Hearne & Wester
305 South Boulevard
Tampa, FL 33606

RE: The Pavilion Development of Regional Impact – DRI # 148
Two Year Extension of Build Out Date Pursuant to SB 360

Dear Ms. Pollack:

This letter is to acknowledge, pursuant to Senate Bill (SB) 360, the two-year extension of the build out date as found in the Pavilion DRI's development order (DO) last amended by Resolution 06-016. With the two-year extension, the project's build out date is December 30, 2012. The DO's expiration date is also extended to December 30, 2012 to ensure that the expiration date does not occur prior to the build out date.

It is noted that, while you do not intend to waive any extension to mitigation requirements authorized by SB 360, you have also stated that you have undertaken a review of the DO and did not identify any mitigation dates that could be extended pursuant to SB 360.

If you have any questions, please do not hesitate to call me at my direct number, 813.276.8393 or e-mail me at healeyj@hillsboroughcounty.org

Sincerely,

John E. Healey, AICP

cc: Nancy Takemori, Assistant County Attorney
John Meyer, DRI Coordinator, Tampa Bay Regional Planning Council



#148

SENT 7/24/08
@ 1:41 PM

Chair
Vice-Mayor Deborah Kynes

Vice-Chair
Commissioner Bill Dodson

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

July 24, 2008

David Mechanik, Esq.
Mechanik, Nuccio et al
305 South Boulevard
Tampa, FL 33606

Subject: DRI #148 - The Pavilion, Three-Year Extension, Hillsborough County


Dear Mr. Mechanik:

The Council previously received your July 23, 2008 correspondence requesting three-year extensions of the buildout and Development Order expiration dates associated with The Pavilion DRI made in accordance with changes to Section 380.06(19)(c), F.S.

You have provided sufficient documentation for Tampa Bay Regional Planning Council purposes to substantiate that construction activities were occurring on The Pavilion DRI site on July 1, 2007, a prerequisite for such extension requests. Based on this fact, Council records are being updated to reflect the newly-established buildout and Development Order expiration dates (i.e. December 30, 2013 and July 11, 2015 respectively). **However, please note that this update is for substantial deviation and regional DRI review purposes only.** A formal determination regarding the appropriateness of such extensions must be made by Hillsborough County.

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

Sincerely,



John M. Meyer
DRI Coordinator

cc: Mr. John Tombari
Mr. John Healey, HCP&GM
Mr. Kent Fast, FDOT
Mr. Bernard Piawah, FDCA

MECHANIK NUCCIO HEARNE & WESTER

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

305 S. BOULEVARD
TAMPA, FLORIDA 33606-2150
INTERNET ADDRESS: <http://www.floridalandlaw.com>

WENDOLYN S. BUSCH*
ALFRED A. COLBY
PAMELA JO HATLEY
FRANK L. HEARNE
CAROLE T. KIRKWOOD
DAVID M. MECHANIK
JOHN B. NEUKAMM
VINCENT L. NUCCIO, JR.
ANNE Q. POLLACK
WILLIAM L. THOMPSON*
J. MEREDITH WESTER*

OF COUNSEL:
RICHARD W. CANDELORA*

TEL: (813) 276-1920
FAX: (813) 276-1560
E-MAIL ADDRESS: dmm@floridalandlaw.com

*NORTH TAMPA OFFICE: 18560 N. DALE MABRY HWY.
LUTZ, FLORIDA 33548-7900
TEL: (813) 968-1002
FAX: (813) 968-1502

REPLY TO: ■ TAMPA
□ NORTH TAMPA

July 23, 2008

VIA – EMAIL: healeyj@hillsboroughcounty.org

Mr. John Healey
DRI Coordinator
Hillsborough County Planning & Growth Management
601 E. Kennedy Blvd., 20th Floor
Tampa, FL 33602

**RE: The Pavilion Development of Regional Impact (#148): Three (3) Year
Extension of Phase, Buildout and Expiration Dates Pursuant to Florida
House Bill 7203**

Dear John:

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

This letter constitutes notice pursuant to HB 7203. Development activities within The Pavilion were ongoing (as of July 1, 2007) and include onsite construction on Parcels A and E. I have enclosed a copy of Hillsborough County Receipt No. 001165358, dated May 17, 2008 for payment of a swimming pool permit for property located in Parcel A, as well as an Inspection Status Information sheet obtained from Hillsborough County, showing ongoing active construction and inspections pursuant to the permit as of July 1, 2007. Additionally, I have also enclosed a Barricade Inspection Affidavit of Compliance, dated May 1, 2007, evidencing proper construction of protective tree barricades in Parcel E, in anticipation of full construction of the site.

Mr. John Healey
July 23, 2008
Page 2 of 2

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

	APPLICABLE DATES PRIOR TO HB 7203	APPLICABLE DATES PURSUANT TO HB 7203
BUILDOUT	December 30, 2010	December 30, 2013
EXPIRATION	July 11, 2012	July 11, 2015

Please add this letter to your file for the Pavilion DRI and please provide us with documentation of the buildout and expiration date extension.

Sincerely yours,



David M. Mechanik

/aqp

cc: John Meyer, Tampa Bay Regional Planning Council – via email: johnm@tbrpc.org
John Tombari – via email: JTombari@adlergroup.com

R001165358

** PLEASE KEEP THIS RECEIPT FOR YOUR RECORDS OR REFUNDS **

**BUILDING SERVICES DIVISION**

272-5600

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

In consideration of the granting of the above permit, I do hereby agree that all work performed shall be in accordance with all plans and other information submitted herewith, and said work shall conform with all requirements of applicable Federal, State, and Hillsborough County Codes and Regulations. This permit will be revoked if any misrepresentation or false statement is made on the application or plans on which approval of the permit has been based. Permit shall be void if work is not commenced within six (6) months of permit issuance. Permit is void if structure or use is prohibited by deed restriction, zoning regulation, County ordinance, or general laws of the State of Florida. The mere issuance of this permit creates no vested right in the permittee.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

Signature of Owner/Agent: _____

Date: _____

Project Number: NPO22700
 Job Site Address: 9313 HIDDEN WATER CIR HBCO
 Permit Type: POOL PERMIT
 Tax Folio No: 047628.0162
 Owner Name: SCOTT DONALD AND MELANIE PARKER
 Unit No: 0
 Permit Use: NC04/RES/INGROUND POOL

Cashier ID: ARRUDAL / LASC
 Date: 05/17/2007 / 01:46 PM
 Rcpt No: R001165358
 POOL PERMIT
 Valuation: \$30,896.00

Map#/Block/Lot 8608001 31
 Qtr(2)SEC(2)Twp(2)Rge(2) SW 31-29-20
 Subdivision Name WATERFORD PH 1
 Setback Front/Rear 20 20
 Left/Right 5 5
 Pool Length/Width/Depth 26/19/6

		DESCRIPTION	PAYMENT
		Electrical-Permit	35.00
		NOC Fees	5.00
		Plumbing-Permit	35.00
		Pool-Permits	105.00
Type	Method	Description	Amount
Payment	check	5800	180.00

Contractor: GRIGGS JOHN P JR

Lic.CPC1457263

Copy Reprinted on 05-17-2007 at 16:18:56



HILLSBOROUGH COUNTY, FLORIDA
OFFICIAL COUNTY GOVERNMENT ONLINE RESOURCE



21 Monday
April

Search

Residents » Business » Government » Visitors » News » Calendar » Contact » A to Z »

[County Home](#) - [PGM](#) - [Resources](#) - [Online Services](#) - [Permits](#)

[Printer Friendly](#) - [Large Text](#)

[Department Homepage](#)

[Community Planning](#)

[Hazard Mitigation](#)

[Flood Map Update Project](#)

[Transportation and Land
Development Review](#)

[Zoning](#)

[Impact Fee Program](#)

[Land Development Review
and Permitting](#)

[Building Plans Review and
Permitting](#)

[Contractor Licensing](#)

[Inspections](#)

[Building Codes Compliance](#)

[GIS Mapping](#)

Resources

[Applications / Forms](#)

[Online Services](#)

[Publications](#)

[Related Links](#)

[Building Permits Reports](#)

[Codes / Fee Schedules](#)

[PGM STORE](#)

[Find County Project
Information & Maps](#)

[GIS Maps](#)

[Departments and Agencies](#)

[Department Quick Links](#)

[Online Services](#)

[Publications](#)

Inspection Status Information

Your search returned 11 result(s).

Project No.: NPO22700 Description: NC04/RES/INGROUND POOL
Address: 9313 HIDDEN WATER CIR
City: RIV 33569 Parcel: 047628.0162 Permit Issue Date: 05/17/2007

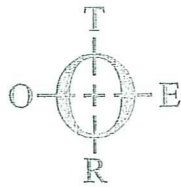
Date	Inspection Item	Description	Inspector / Initial	Action	Notation
08/02/2007	299	Electrical Final	MILLSG/ MILLSG	AP	
06/21/2007	601	Termite	PMA/ ALDRIDGP	AP	
06/21/2007	602	Pool Enclosure Footing	PMA/ ALDRIDGP	AP	
07/20/2007	605	Above Grd Spa Barrier Final	83RPH/ HANCHETR	PA	TECHO ALARMS APPROVED,SELF CLOSE GATE NOT INSTALLED DUE TO RAIN
07/24/2007	605	Above Grd Spa Barrier Final	EM/ MANNERSE	PAPD	1 PAPD
07/25/2007	605	Above Grd Spa Barrier Final	JH/ HEISLERJ	AP	GAP UNDER GATE WILL BE REDUCED BY SOD
06/01/2007	640	Pool Steel	83RPH/ HANCHETR	AP	LIGHTS BONDED
06/01/2007	650	Plumbing Rough-In / Main Drain	83RPH/ HANCHETR	AP	
06/21/2007	665	Pool Electric Bond	PMA/ ALDRIDGP	AP	
06/21/2007	697	Pool Plumbing Final	PMA/ ALDRIDGP	AP	
08/07/2007	698	Pool Final	JH/ HEISLERJ	AP	

[Building Permit Reports Home](#)

[Contractor Licensing Reports Home](#)

DATE: 04/21/2008 TIME: 4:21 PM

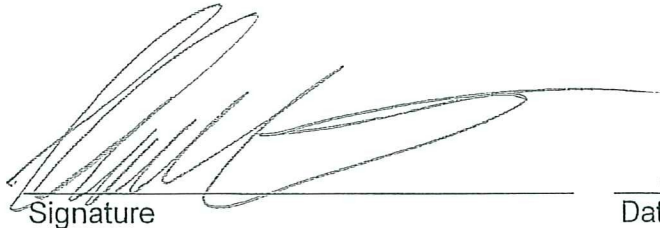
VIEW all [Failure Codes](#) or [Actions Codes](#)



OTERO ENGINEERING
CIVIL ENGINEERS

Barricade Inspection Affidavit of Compliance

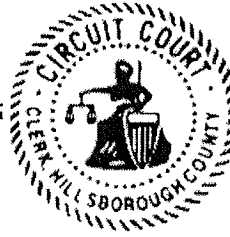
Protective tree barricade inspection for the project entitled Pavilion Office Park and identified by property folio # 72226.0000 have been installed consistant with the required locations identified on the construction plans approved by Hillsborough County and consistant With the minimum tree barricade standards established by Hillsborough County


Signature

3/1/2007
Date

PAT FRANK

Clerk of the Circuit Court
Hillsborough County, Florida



#148
P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

February 14, 2006

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
4000 GATEWAY CENTER BLVD SUITE 100
PINELLAS PARK FL 33782

Re: Resolution No. R06-016 - Amending the Development Order for The Pavilion (DRI #148)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on January 24, 2006.

We are providing this original for your files.

Sincerely,

A handwritten signature in cursive script, reading "Gail M. Letzring".

Gail M. Letzring,
Manager, BOCC Records

md

Attachment

Certified Mail #7002 2410 0001 4265 0747

cc: Board files (orig.)
Gerald Knight, Esq., Attorney at Law(orig.ltr.)
Charles Gauthier, Chief, DCA Bureau of State Planning(orig. ltr.)
Nancy Takemori, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Sandra Davidson, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office
Mary Mahoney, Management & Budget

RESOLUTION NO. R06-016

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR
DRI #148 -- THE PAVILION

Upon motion by Commissioner Scott seconded by
Commissioner Storms, the following Resolution was adopted by a
vote of 6 to 0 Commissioner(s) _____, voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a nonresidential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-

family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December 31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993 the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposes to remove from the DRI .432 acres of land; reduce the approved Multi-family acreage by .432 acres to reflect the acreage reduction; reduce the total project acreage to reflect the .432 acre reduction; modify the project Master Plan to reflect the .432 acre reduction; and

WHEREAS, on December 13, 1994 the Board of County Commissioners approved the Third Amendment (Resolution No. R94-0320) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 20, 1996 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed to extend the date within which to complete the pipeline improvement; deletion and modification of certain conditions to reflect consistency with environmental permits; delete transportation monitoring provisions found unnecessary; deletion of conditions found not applicable or unwarranted for the new residential mixed use development; revise Map H (the General Development Plan) to reflect minor changes to conform with environmental permits and detailed drainage calculations; and

WHEREAS, on March 25, 1997 the Board of County Commissioners approved the Fourth Amendment (Resolution No. R97-095) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 28, 2003, Lennar Partners filed a Notification of a Proposed Change for a Previously Approved Development of Regional Impact

pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of the project buildout date to December 30, 2006; and

WHEREAS, on May 13, 2003, the Board of County Commissioners approved an Amended and Restated Development Order approving the Fifth Amendment (Resolution No. R03-089) for THE PAVILION Development of Regional Impact (DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on May 20, 2005, Lennar Partners filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Section 380.06 (19), Florida Statutes, which proposes to extend the project buildout date to December 30, 2010; extend the termination date and the date until which the development shall not be subject to down-zoning to July 11, 2012; reflect the current number of single family residential units previously adjusted based on the Equivalency Matrix; reduce the number of multi-family residential units from 834 to 604; reduce the commercial square footage from 350,000 g.s.f. to 150,000 g.s.f. and add 140,000 g.s.f. of office use; revise Map H to show the Commercial Parcels (Parcels E and F) as Commercial/Office Parcels; and update the Equivalency Matrix; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Sixth Amendment to the Development Order and has considered the changes proposed in the Notification of a Proposed Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY FLORIDA IN REGULAR MEETING ASSEMBLED THIS 24th DAY OF January, 2006, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Lennar Partners, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact (hereinafter the "Application") which is on file with the Hillsborough County Planning and Growth Management Department and incorporated herein by reference.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Rod Lauredo, Vice President, Lennar Partners (n/k/a LNR Realty Corp.), 1601 Washington Avenue, Suite 700, Miami Beach, Florida 33139.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved and as reduced by this amended development order 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.
- G. Pursuant to Chapter 380.06(5)(c), the Developer elects to be bound by the rules adopted pursuant to Chapter 403 and 373 in effect at the times of issuance of this Amended Development Order.
- H. The costs of the required road improvements listed in Option 3 of the Parkway Center Development Order, Resolution No. 87-0334 are substantially greater than the amount of the Parkway Center proportionate share amount. According to the terms of the Parkway Center Development Order, the County may assist Parkway Center in funding the required road improvements. The County is providing such assistance to Parkway Center by allowing a portion of the required road improvements in Option 3 of the Parkway Center Development Order to be included as Option 3 traffic mitigation alternatives for the Developer of the Pavilion DRI. Such assistance by the County is contemplated under the terms of

the Parkway Center Development Order and as such no amendment to the Parkway Center Development Order is necessitated by providing such assistance.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application, and the reports, recommendations and testimony heard and considered, it is concluded that:
1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.
 4. The changes outlined herein do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of the Development Order, as amended.
- D. The Notice of Proposed Change to a Previously Approved Development of Regional Impact is approved subject to all terms and conditions of this Amended Development Order.
- E. The Developer's Certification, Exhibit C, affirming that copies of the Notification of a Proposed Change have been delivered to all persons required by law, is incorporated herein.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval and the Notification of a Proposed Change to a Previously Approved Development of Regional Impact for The Pavilion Development of Regional Impact.
- B. The legal description set forth in Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses 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.
- D. The definitions contained in chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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 governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments 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 The Pavilion, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, 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 as defined by the criteria of Chapter 380.06(19)(b) 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 Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, and may result in Hillsborough County ordering a termination of such development activity pending such review except as otherwise provided herein, or by law.
- 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Development shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85 as amended. 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 Planning and Development Management Department which 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. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. 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(es) of any heir, assignee or successor in interest to this Development Order.
 5. A statement describing how the Development has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- 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 except as otherwise provided herein, or by law.

- M. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The development of the project shall proceed in accordance with the following proposed schedule:

Years	Residential Units	Commercial Retail (g.s.f.)	Office (g.s.f.)
(1999-12/30/2010)*	1116	150,000	140,000
	512 SF		
	604 MF		

* Project buildout extended by ten years, eleven months, 30 days from original project buildout date.

(amended: Resolution No. R93-0117; Resolution No. R03-089; Resolution No. R06 - 016)

2. The Developer may decrease retail square footage and simultaneously increase the number of residential units pursuant to the formula represented in the Equivalency Matrix set forth on revised Exhibit "B". The Developer shall give notice to the Florida Department of Community Affairs and TBRPC of all land use conversions utilizing the Equivalency Matrix in each annual report following such conversion(s).
3. This Development Order shall remain in effect for a period up to and including July 11, 2012. No development authorized under this Development Order shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with

the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty days prior to the expiration date of this Order.

4. The development shall not be subject to down-zoning, or intensity reduction until July 11, 2012, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
5. The deadline for commencing physical development at the project site shall be July 25, 1995. For purposes of this paragraph, "physical development" shall mean commencement of site preparation and horizontal infrastructure.

(amended: Resolution No. R93-0117; Resolution No. R03-089; Resolution No. R06 - 016)

B. Transportation

1. The developer shall conform to the six stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits and shall monitor them with each annual report.
 - a. Access and internal road geometrics in nonresidential areas shall accommodate a ninety-six (96) inch wide by forty (40) feet long advance design coach.
 - b. The Developer shall provide shelters and pull-out bays along the on-site transit route. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.
 - c. Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop.

- d. Maintenance of transit amenities shall be the responsibility of the property owner.
- e. Details, standards and phasing of all transit amenity provisions must be approved by the Hillsborough Area Regional Transit Authority.
- f. The developer shall make a good faith effort (documented) to inform potential tenants (leasee) of HART's employer sponsored bus pass program and merchant discounts for HARTline patrons.

(amended: Resolution No. R97-095)

- 2. The Developer, at his option, shall mitigate the impacts of the Project on the regionally significant roadway system through one or a combination of the options set forth below. Compliance with the provisions of any of the options described below has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC). No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved.

a. Option 1: Funding Commitment

- (1) Approval of the development shall require funding commitments from the responsible entities for the roadway improvements listed in Transportation Tables 1 and 2. Without funding commitments for these improvements, construction permits shall not be issued.
- (2) Alternatively, if funding commitments have been made for specific regional roadway improvements, the Developer may sub-phase the project. Specific amounts of project development will then be approved if the following conditions exist:

- (a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.
- (b) Funding commitments for roadway improvements shall be required when the regional roadway operates below LOS D at peak hour and the development contributes 5 percent or more of LOS D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.
- (c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring shall also be required in this instance.

b. Option 2:

- (1) In the event that commitments for transportation improvements are only adequate to permit partial approval of the Pavilion development, the capacity and loading of transportation facilities in the south Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO"), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, as amended, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved

project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a peak hour, Level of Service D (C peak rural). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, beyond the initial partial approval set forth in B.3.b.(2) below, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above a peak hour Level of Service D (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below a Level of Service D (C peak rural) at peak hour.

- (2) Under this option the Developer may construct up to 286,800 square feet of retail space or 150 residential dwelling units (or a combination of uses not to exceed the trip generation of 286,800 square feet of retail space or 150 residential dwelling units) with site access to/from U.S. 301 without demonstrating funding commitments for roadway improvements other than such improvements as may be necessary for obtaining permits for project driveways onto U.S. 301 pursuant to applicable FDOT permitting requirements. The uses specified above have been determined to not cause impacts at other locations on the regional transportation network which warrant mitigation pursuant to TBRPC policy. Construction of said uses may proceed prior to the Developer's election to mitigate transportation impacts under Option 3 below.

(amended: Resolution No. R93-0117)

Table 1 Required Link Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes				
Road	Segment	Total Traffic LOS Prior to Improve	Devel. Contrib. (%)	Required Improvement
Causeway Blvd. Lumsden Avenue	78 th Street to Project Drive E	F	14.6	Construct 4-Lane Divided Arterial
Causeway Blvd. Lumsden Avenue	Project Drive E to U.S. 301	F	14.6	Construct 6-Lane Divided Arterial
Faulkenburg Road	Crosstown Exp. to Lumsden Ave.	F	22.5	Construct 6-Lane Capacity Enhanced Divided Arterial
Faulkenburg Road	Lumsden Avenue to U.S. 301	N/A	28.7	Construct 4-Lane Divided Arterial
Faulkenburg Road	Pavilion Road to Brooker Road	N/A	28.7	Construct 4-Lane Divided Arterial
Lakewood Drive	SR 60 to Lumsden Avenue	F	7.3	Construct 4-Lane Divided Arterial
U.S. 301	Causeway Blvd Project Drive A	F	13.0	Widen to 6-Lane Divided Arterial
U.S. 301	Project Drive A to Project Drive B	E	6.22	Widen to 6-Lane Divided Arterial

N/A: Not constructed at time of analysis

<p style="text-align: center;">Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Buffalo Avenue at U.S. 301	E	8.4	Construct third through lane and second left-turn lane NB and SB. Construct second through lane EB and WP.
Buffalo Avenue at Parsons Ave	E	5.3	Construct second left-turn lane NB and one right-turn lane SB. Construct second through lane EB and convert right-turn lane to through-right turn lane WB.
SR 60 at Lakewood Drive	E	16.0	Construct second through lane and left-turn lane NB and SB. Construct third through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Kings Avenue	E	11.7	Construct second through lane NB and SB. Construct second left-turn lane and one right-turn lane NB. Construct third and fourth through lane EB. Construct third through lane and convert right-turn lane to through-right turn lane WB.
SR 60 at Parsons Avenue	E	48.9	Construct second through lane NB and SB and third through lane EB and WB. Construct second left-turn lane SB.
SR 60 at Bryan- Kingsway Road	E	7.1	Construct right-turn lane NB. Convert right-turn lane to through right-turn lane EB. Construct second left-turn lane EB and third through lane WB.
SR 60 at Mud Lake Road	E	8.8	Signalize when warranted by MUTCD.
U.S. 41 at Palm River Rd	E	6.4	Construct second left-turn lane SB.
Palm River Rd at 78 th St	E	47.5	Construct left-turn lane EB and WB. Construct right-turn lane EB.
U.S. 41 at Causeway Blvd.	E	23.3	Construct second left-turn lane NB and second right-turn lane EB.
Causeway Blvd at 78 th Street	E	17.9	Construct second through lane and one left-turn lane and convert through-right-turn lane to right-turn lane NB. Construct second left-turn lane and one right-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second through lane and left-turn lane EB and WB.

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Causeway Blvd at North Entrance	N/A	N/A	Construct two-left turn lanes and one right-turn lane NB. Construct third through lane and one right-turn lane EB. Construct third through lane and two left-turn lanes WB. Signalize when warranted by MUTCD.
Lumsden Avenue at U.S. 301	E	100.00	Construct third through lane and second left-turn lane NB and SB. Convert right-turn lane to through-right-turn lane SB. Construct third through lane, second left-turn lane, and one right-turn lane EB. Construct third through lane and second left-turn lane WB.
Lumsden Avenue at Faulkenburg Road	E	25.4	Construct second through lane and one right-turn lane NB. Construct second through lane and one left-turn lane SB. Convert left-through lane to left-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second left-turn lane and one through-right-turn lane EB. Construct third through lane and second left-turn lane and convert right-turn lane to through-right-turn lane.
Lumsden Avenue at Providence Rd.	E	54.3	Construct second through lane and two left-turn lanes NB and SB. Construct third through lane and second left-turn lane. Construct third through lane and convert right-turn lane to through-right-turn lane WB.
Lumsden Avenue at Kings Avenue	E	23.6	Construct second left-turn lane NB. Construct second through lane and convert right-turn lane to through-right-turn lane EB and WB.
Lumsden Avenue at John Moore Road	E	72.6	Construct second through lane NB and SB. Construct second and third through lanes and one left-turn lane EB and WB.
Lumsden Avenue at Bryan-Kingsway Ed.	E	52.6	Construct left-turn lane NB, SB, EB and WB. Construct second through lane EB and WB.
U.S. 301 at Project Dr. A	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn

<p>Table 2</p> <p>Phase I (1992) Required Intersection Improvements for The Pavilion</p> <p>Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
			lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. B	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. C	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Faulkenburg Road	N/A	40.6	Construct two left-turn lanes NB. Construct left-turn lane and right-turn lane SB. Construct two left-turn lanes, two through lanes and one right-turn lane EB. Construct two through lanes and one right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. D	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Brooker Road	N/A	53.5	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane, second through lane, and right-turn lane EB. Signalize when warranted by MUTCD.
Faulkenburg Road at Brooker Road	N/A	22.4	Construct two through lanes and right-turn lane NB and SB. Construct left-turn lane SB and left-through lane EB. Construct two left-turn lanes and through-right-turn lane WB. Signalize when warranted by MUTCD.
Lumsden Avenue at Lithia Road	E	34.6	Construct second through lane NB and convert right-turn lane to through-right-turn lane SB. Construct right-turn lane EB.
Bloomington Ave at US 301	E	36.9	Construct second left-turn lane SB.
Bloomington Ave at Providence Rd	E	20.3	Construct right-turn lane NB. Construct second through lane EB and WB.
Bloomington Avenue at Kings Ave	E	10.4	Construct second through lane EB and convert right-turn lane to

Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
			through-right-turn lane WB.
Bloomington Ave at John Moore Rd	E	7.5	Construct right-turn lane EB.
Bloomington Ave at Bryan-Kingsway Rd	E	6.0	Construct left-turn lane EB.
U.S. 301 at Riverview Rd	E	41.8	Convert right-turn lane to through- right-turn lane NB. Construct second through lane SB.

N/A: Not constructed at time of analysis

- c. Option 3: Transportation Impact Mitigation: In lieu of or in conjunction with the election of Option 1 or 2 above, the Developer may elect Option 3 as set out below by informing the County of such election with copies to TBRPC within ninety (90) days of the Development Order becoming non-appealable. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the Project on regionally significant transportation highway facilities within the primary impact area. The selection of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) Subject to the other provisions of this Option 3, the Developer shall complete design, acquire needed right-of-way, including land needed for related stormwater facilities, and construct the extension of Faulkenburg Road from its proposed intersection with U.S. Highway 301 west and south to an intersection with Brooker Road. The Developer shall design and construct Faulkenburg Road as a four lane divided urban section.

(amended: Resolution No. R92-0217; Resolution No. R93-0117)

- (2) The design work required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Design", and the cost or value of right-of-way and improvements required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Improvements". The cost of the Required Design and the Required Improvements shall be referred to herein as the "Required Improvements Costs."
- (3) The Developer shall initiate the Required Design within thirty (30) days of the election of this

option. Subject to acts of God or other occurrences beyond Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before June 15, 1994. Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County. The Developer will bear any additional costs caused by the extension in the construction of the Required Improvements.

(amended: Resolution No. R92-0217)

- (4) Within three (3) months after the completion of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs, Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit against future transportation and right-of-way impact fees which may be assessed against the Project.

(amended: Resolution No. R92-0217)

- (5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects. Approval shall be in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The Required Design period shall not include review by the County and FDOT (for any improvements on State roads) of all plans at

30%, 60% and 90% of completion. The County and FDOT review periods shall not exceed thirty (30) days.

- (6) The Developer shall expeditiously seek final approval of road alignments for all appropriate agencies. Once road alignments for the Required Improvements have been finalized with all appropriate agencies to the extent necessary to identify all needed right-of-way as defined in the Pavilion zoning conditions, which would occur on the land identified in Exhibit "A", the Developer will provide such right-of-way to the County upon request and in exchange for appropriate credit against satisfaction of the proportionate share amount or impact fees whichever is applicable.
- (7) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrances to Pavilion off of Falkenburg Road to the project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison as a four lane divided highway or (2) July 11, 2003. However, in the event Falkenburg Road is not constructed as a four lane divided highway from Pavilion's southern boundary to Madison, by project buildout the Developer shall be relieved of the responsibility for completing the remaining two

inside lanes of the "Required Improvements". To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide nonfinancial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance.

(amended: Resolution No. R97-095)

- (8) The Developer's Proportionate Share for Phase I the development has been calculated to be \$4,430,769. Under the reduction of the project approved June 8, 1993, the Proportionate Share for the development has been calculated to be \$1,856,785. Said Proportionate Share has been calculated based on the formula set forth in Rule 9J-2.0255, F.A.C. as interpreted by policies of the Florida Department of Community Affairs, TBRPC, FDOT and Hillsborough County. In no event shall the Developer be required to make dedications, contributions and/or funding commitments for purposes of mitigating regionally significant impacts of which exceed the total Proportionate Share set forth above.

(amended: Resolution No. R93-0117)

- (9) In lieu of the requirements under paragraphs B.2.c.(1)-(7) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this

development order is estimated to be \$2,299,495 in 1993 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's proportionate share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein. If the County accepts payments under this section, it shall use such monies to expeditiously complete the Required Design and/or the Required Improvements and no further building permits shall be issued until the Required Improvements are complete.

(amended: Resolution No. R93-0117)

- (10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements. Upon such failure, the Developer shall turn over to the County all design plans, maps, permit applications and any other materials produced which would assist the County in completing the Required Design or construction of the Required Improvements.
- (11) If the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein is not provided in substantial compliance with the requirements of this option, development activities and issuance of permits under this option shall immediately cease unless otherwise

permitted to continue by Hillsborough County with the concurrence of TBRPC.

3. Pursuant to law, the Developer shall receive credit for all transportation mitigation expenditures against future transportation and right-of-way impact fees. The application and payment of transportation and right-of-way impact fees in itself does not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Proportionate Share Amount and the sum of the costs of the Required Design and the Required Improvements shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the Project. Should the difference be substantial the developer may elect to make other improvements of an equivalent value, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference shall be deemed to fully and completely satisfy any and all of its obligations under Chapter 380.06, Florida Statutes, to mitigate the traffic impacts of the Pavilion project.
4. A pedestrian circulation system and a bicycle circulation system consistent with applicable standards of the I-75 Corridor shall be provided within the project.
5. Site Access to public streets shall be determined on the following basis:
 - a. The location and design of all project driveways providing access to/from U.S. Highway 301 or Causeway Boulevard shall be subject to approvals pursuant to applicable permitting requirements of the Florida Department of Transportation (FDOT) and the approved General Site Plan. The location and design of driveways providing access to/from all public streets in or adjacent to the project site shall be subject to Hillsborough County review and approval in conjunction with preliminary plat/preliminary site plan approvals for individual development tracts.

(amended: Resolution No. 97-095)

- b. When any sub-phase of office/commercial development within the development is submitted for

preliminary site plan approval, the Developer shall provide to Hillsborough County a transportation analysis that demonstrates that the project's driveways on US Highway 301 north of Falkenburg Road, US Highway 301 south of Falkenburg Road, Falkenburg Road west of US Highway 301, and on Everhart Road, operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development. If the analysis demonstrates that the project's driveways are operating at an unacceptable level of service, the applicant will be responsible for the construction of the necessary improvements to allow the project driveways to operate at an acceptable level of service.

(amended: Resolution No. R06-016)

C. Air Quality/Wind and Water Erosion

1. The Developer shall undertake the measures referenced on page 13-5 and 13-6 of the ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during development.
2. The applicant shall provide an air quality impact analysis of the Project consistent with the Florida Department of Environmental Regulation (FDER) guidelines, and subject to review by FDER, the Hillsborough County Environmental Protection (HCEPC) and TBRPC prior to the issuance of building permits for the project. Any exceedances of ambient air quality standards due to the adverse impacts of the Project shown in the analysis shall be mitigated prior to the issuance of building permits for the amount of development which triggers the exceedance. Proposed mitigation measures shall be submitted to FDER, HCEPC and TBRPC for review and comment. Required mitigation measures shall be established by amendment to the Development Order. In August 1992, the Developer demonstrated to the satisfaction of TBRPC, the Florida Department of Environmental Regulation ("FDER"), the Environmental Protection Commission ("EPC") and the County that Phase I (1997) would cause no exceedances of ambient air quality standards. Thus, no air quality mitigating measures are required for the project.

(amended: Resolution No. R92-0217)

3. The applicant shall notify all tenants of their responsibility to comply with all of the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
4. Hillsborough County shall reserve the right to require mitigation measures to alleviate any adverse impacts of the project on ambient air quality.

D. Soils

1. The methods discussed on page 14-1 of the ADA to overcome problems associated with the particular soil types occurring on-site shall be implemented.
2. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-5 and 14-6 of the ADA, at minimum, shall be implemented.

E. Stormwater Management and Water Quality

1. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits the Master Stormwater Management Plan and supporting calculations shall be submitted to TBRPC and FDER for review and to Hillsborough County and SWFWMD for approval. The Development's stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The appropriate Hillsborough County stormwater drainage system drainage criteria to be used is that which is in effect at the time of submittal and review of construction plans for the project.
2. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40-D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. All necessary drainage and access easements shall be donated to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel must be fully executed and recorded prior to certificates of occupancy.

4. The Developer shall operate and maintain all on-site stormwater management facilities for the Development unless otherwise required or requested by the County.
5. In order to protect water quality the Developer shall implement Best Management Practices as recommended by the County and SWFWMD, including a street cleaning program for the parking and private roadway areas within the development.
6. In order to protect water quality there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to ground-breaking or subject to buildout, the Developer shall provide a surface water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by FDER. The following shall apply.
 - a. Sampling locations and frequencies shall be determined in cooperation with Hillsborough County, FDER and SWFWMD.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
 - c. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, all construction within the subbasins where the violation is noted shall cease until the violation is corrected, or if specific construction activities can be identified as causing the violation, all such activity responsible for the exceedance shall cease until the violation is corrected.
7. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

F. Environmental and Natural Resources

1. Areas illustrated as "Conservation" on the zoning General Site Development Plan denote the general location and

extent of areas which include certain wetlands that meet the definition of conservation areas in Section 10.3.1 of the TBRPC adopted growth policy, Future of the Region. The specific location and extent of such conservation areas shall correspond to those areas that fall within the jurisdiction of one or more of the agencies having authority to regulate development activity for purposes of protecting wetland resources. Alterations or removal within such areas shall be subject to applicable regulations of these agencies.

2. In order to protect the natural values of conserved wetland areas, the following shall be required:
 - a. Except as otherwise permitted by agencies having jurisdiction:
 - (1) A wetland/lake management plan shall be submitted to Hillsborough County and TBRPC for review and to FDER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be conserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed unless otherwise approved by agencies having jurisdiction.
4. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.
5. All mitigation areas and littoral shelves shall be monitored twice yearly for a period of three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years.

(amended: Resolution No. R97-095)

6. Nothing herein shall be construed to interfere with the ability of the Developer to perform any construction, modification or

alteration activities contained in any consent order entered into by the Developer and any appropriate regulatory agency.

7. A representative tract of mesic oak hammock and hydric oak hammock, as listed on page 18-1 of the ADA, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.
8. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
9. There shall be no net loss of hydrologic storage capacity in the 100-year flood plain.

G. Public Facilities

1. Water-saving devices shall be required in the project (as mandated by the Florida Water Conservation Act Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping wherever feasible.
2. Prior to preliminary plat/preliminary site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan are options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/equipment required to serve the project are available.
3. The Developer shall be required to utilize public water, and public sewer and shall pay all required costs to connect for service delivery. The Developer shall submit to the County Planning and Development Management Department prior to the issuance of Zoning Compliance Permits, evidence of a current commitment from the City of Tampa Department of Water and Wastewater Utilities to provide public water and public sewer services, and evidence of agreement to pay necessary costs and to meet any other terms of the

commitment such as depicted easements to enable the City to provide public water and public sewer service delivery.

4. Prior to issuance of preliminary plat/preliminary site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Medical Services capabilities and facilities are available to service the development.
5. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
6. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.
7. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380. 06 (19) (a), F.S., unless required by Hillsborough County.

H. Hazardous waste

1. Large quantity generators of hazardous substances shall implement a site-specific surficial aquifer monitoring program as required by FDER, EPC and Hillsborough County. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle such quantities of hazardous wastes, to minimize hazards to human health and the environment. Such plan shall describe the procedure and actions required of facility personnel, as well as describe the necessary arrangements agreed to by local EMS, fire, police departments and hospitals and shall be included in the first annual report following occupancy of such use within the park.
2. All temporary hazardous waste storage facilities shall meet the criteria set forth in applicable federal, state and local regulations.
3. Hazardous waste storage areas within the project shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials.
4. The Developer shall develop a program for the commercial portion of the project which will emphasize the education of

tenants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials, and inform potential tenants of applicable state and federal regulations and tenants' responsibilities in complying with such regulations.

5. All Pavilion owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

I. Energy conservation

1. All Pavilion tenants, businesses, residents, etc. shall be encouraged to:
 - a. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. obtain energy audits provided by energy companies or other qualified agencies;
 - c. install water heaters timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. use landscaping and building orientation to reduce heat gain, where feasible, for all Pavilion construction;
 - e. promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - f. reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. institute and utilize recycling programs;
 - h. utilize energy efficient packaging and/or recyclable materials; and
 - i. install total energy systems on large facilities when cost effective.
2. The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site.

(amended: Resolution No. R97-095)

J. Equal Opportunity

1. The Developer shall encourage all contractors and subcontractors to involve minority groups in the development of the project. All commercial establishment areas shall be available to all, on a fair and impartial basis.

K. Historical or Archaeological Resources

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

L. General

1. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.
2. The Equivalency Matrix set forth in Exhibit B of the Development Order is hereby replaced with revised Exhibit B attached hereto.
3. The revised Master Plan of Development for the Pavilion Development of Regional Impact ("Map H") is attached as Exhibit D and incorporated herein by reference.

(amended: Resolution No. R06-016)

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, Pat Frank, 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 true and correct copy of a Resolution

adopted by the Board at its regular meeting of January 24, 2006 as same appears of record in Minute Book 356 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 14th day of February, 2006.

By: [Signature]
Approved as to legal form
and sufficiency

PAT FRANK, CLERK OF
CIRCUIT COURT

[Signature]
Deputy Clerk

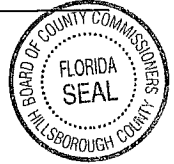


EXHIBIT "A"

LEGAL DESCRIPTION.

Begin at the intersection of the Westwardly extension of the North line of Tract 12 in the Northeast 1/4 of Section 36, Township 25 South, Range 19 East of SOUTH TAMPA SUBDIVISION, as per map or plat thereof recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, and 30 feet West of and parallel with the West line of said Tract 12. Run thence S.89°53'18"E., along the Westwardly extension of the North line of said Tract 12, along the North line of said Tract 11 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Eastwardly extension of the North line of said Tract 11 a distance of 1348.63 feet to the Northwest corner of Tract 10; thence N.00°13'21"E. along the southwardly extension, and the West line of Tract 7 and along the West line of Tract 2 a distance of 1280.91 feet to a point on the Southerly right-of-way line of Causeway Boulevard; thence N.89°53'44"E. along said Southerly right-of-way line a distance of 130.00 feet; thence S.00°18'21"E. a distance of 261.48 feet; thence N.89°41'06"E. a distance of 95.11 feet; thence S.00°27'58"E. a distance of 344.73 feet to a point on the North line of Tract 7; thence S.89°43'15"E. along the said North line of Tract 7 a distance of 400.25 feet to the Northwest corner of Tract 8; thence S.89°56'32"E. along the North line of said Tract 8 a distance of 424.92 feet; thence N.00°28'03"W. a distance of 602.13 feet to a point on the Southerly right-of-way line of Causeway Boulevard; (State Road No. 478); thence N.89°48'06"E. along the Southerly right-of-way line of Causeway Boulevard, a distance of 220.00 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°21'29"E. a distance of 41.36 feet to the intersection of the Southerly right-of-way line of Causeway Boulevard and the West line of lot "B" of BOULEVARD VILLAS SUBDIVISION as per map on Plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida; thence N.89°53'30"E. along the Southerly right-of-way line of said Causeway Boulevard, a distance of 428.21 feet; thence S.00°05'30"E. a distance of 170.00 feet; thence N.89°53'30"E. a distance of 159.69 feet; thence South a distance of 70.81 feet; thence N.89°53'30"E. a distance of 151.31 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (State Road No. 43); thence S.08°17'00"E. along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 762.59 feet; thence S.04°58'38"E. along the Westerly right-of-way line of U.S. Highway 301; a distance of 313.72 feet; thence S.08°06'54"E. along the Westerly right-of-way line of U.S. Highway 301, a distance of 18.87 feet; thence N.89°35'09"W. a distance of 89.18 feet; thence N.08°06'54"W. a distance of 131.54 feet to a point on the South line of Lot "C" or said BOULEVARD VILLAS SUBDIVISION; thence N.89°32'31"W. along the South line of said Lot "C", a distance of 793.72 feet to a point on the East line of Tract 8 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.00°26'18"E. along the East line of said Tract 8, a distance of 62.39 feet to the Southeast corner of said Tract 8; S.00°23'30"E., a distance of 30.01 feet to the Northeast corner of Tract 9 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.00°04'33"E. along the East line of said Tract 9, a distance of 265.93 feet to a point on the Westwardly extension of the North line of Lot "K" of said BOULEVARD VILLAS SUBDIVISION; thence S.89°57'05"E. along the Westwardly extension of the North line of said Tract "K", along the North line of said Tract "K", along the Eastwardly extension of the North line of said Lot "K", and along the North line of Lot "L" of said BOULEVARD VILLAS SUBDIVISION, a distance of 941.97 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301; thence S.08°06'54"E. along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 1663.67 to the P.C. of a curve to the left having a radius of 5821.58 feet; thence along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 671.67 feet along the arc of said curve, thru a central angle of 06°36'38"; a chord bearing and distance of S.11°25'13"E., 871.30 feet to a point on the Northerly right-of-way line of Everhart Road; thence N.89°24'13"W. along the Northerly right-of-way line of Everhart Road, a distance of 177.73 feet; thence S.09°35'45"W. along the Northerly right-of-way line of Everhart Road, a distance of 25.00 feet; thence N.89°24'15"W. along the Northerly right-of-way line of Everhart Road, a distance of 459.13 feet; thence S.88°29'47"W. along the Northerly right-of-way line of Everhart Road, a distance of 325.77 feet; thence S.88°38'33"W. along the Northerly right-of-way line of Everhart Road and its Westwardly extension, a distance of 329.13 feet to a point on the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence S.88°59'58"W. a distance of 15.02 feet to the Southeast corner of Tract 8 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°54'51"W. along the South line of said Tract 8, along the South line of Tract 7 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Westwardly extension of the South line of said Tract 7, a distance of 1323.32 feet to the Southeast corner of Tract 6; thence N.00°01'54"W. a distance of 844.53 feet to the Southeast corner of Tract 3 in the Southeast 1/4 of said Section 36 of SOUTH TAMPA SUBDIVISION; thence N.89°54'53"W. along the South line of said Tract 3, along the South line of Tract 4 and the Westerly extension of the South line of said Tract 4, a distance of 1317.58 feet to a point 30.00 feet West of and parallel with the West line of said Tract 4; thence N.00°00'30"W. along said line a distance of 674.57 feet to a point on the Westwardly extension of the South line of Tract 13; thence N.00°01'32"W. along a line 30 feet West of and parallel with the West line of Tract 13 and Tract 12 a distance of 1289.87 feet to the POINT OF BEGINNING.

EXHIBIT "A"

Page 1 of 2

Description Continued

LESS the following described Parcels numbered 2, 3 and 4

PARCEL 2:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the South right-of-way line of Causeway Boulevard and the West boundary of said Tract B; run thence N.89°53'30"E., along said South right-of-way line of Causeway Boulevard, a distance of 468.55 feet; thence S.00°05'30"E., a distance of 170.00 feet; thence N.89°53'30"E., a distance of 50.00 feet for a Point of Beginning; continue thence N.89°53'30"E., a distance of 35.00 feet; thence S.00°05'07"E., a distance of 125.00 feet; thence S.89°53'30"W., a distance of 35.00 feet; thence N.00°00'07"W.1, a distance of 125.00 feet to the Point of Beginning.

PARCEL 5:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida. Being more particularly described as follows:

For a point of reference commence at the intersection of the South right-of-way line of Causeway Boulevard, and the west boundary said Tract B. run thence N.89°53'30"E., along said South right-of-way line of Causeway Boulevard a distance of 468.55 feet; thence S.0°05'30"E., a distance of 170.00 feet; thence N.89°53'30"E., a distance of 159.48 feet; thence S.08°17'00"E., a distance of 77.00 feet for the Point of Beginning. Continue thence S.08°17'00"E., a distance of 60.70 feet to a point on the South line of said Tract "B"; thence N.89°53'30"E., along the South line of said Tract "B", a distance of 100.00 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (S.R. No. 43); thence N.08°17'00"W., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 60. feet; thence S.89°53'30"W., a distance of 100.00 feet to the Point of Beginning.

PARCEL 4:

A parcel of land being a portion of Tract B, as shown on the plat of BOULEVARD VILLAS, as recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commence at the intersection of the South right-of-way line of Causeway Boulevard per County Commission Minutes Book Q, Page 158, Hillsborough County Records, and the Westerly line of said Tract B; thence N.89°53'30"E., along said South right-of-way line, for 468.55 feet; thence S.0°05'30"E. for 170.00 feet; thence N.89°53'30"E. for 35.00 feet to the POINT OF BEGINNING; thence continue N.89°53'30"E. for 14.35 feet; thence SOUTH for 76.81 feet; thence N.89°53'30"E. for 51.31 feet; thence S.8°17'00"E. for 60.70 feet to a point on the South line of said Tract B; thence S.89°53'30"W., along said South line, for 129.40 feet; thence N.0°00'07"W. for 11.89 feet; thence N.89°53'30"E. for 35.00 feet; thence N.0°00'07"W. for 125.00 feet to the POINT OF BEGINNING.

SUBJECT TO existing easements and rights-of-way of record.

EXHIBIT "B" (Revised)

EQUIVALENCY MATRIX

EXHIBIT B
REVISED (July 26, 2005)

PAVILION DRI
NOPC

Land Use Trade-Offs

A. LAND USE TRADE-OFF RATES (MULTIPLICATION FACTORS)

CHANGE TO ↓	CHANGE FROM →	Single Family Detached (Dwelling Unit)	Multi-Family Apartment (Dwelling Unit)	Shopping Center (1,000 SF)	Minimum	Maximum
Single Family Detached (Dwelling Unit)	—	—	0.6367	5.9330	300	1,750
Multi-Family, Apartment (Dwelling Unit)	1.5707	—	—	9.3189	250	2,550
Shopping Center (1,000 SF)	0.1685	0.1073	—	—	100	500
General Office (1,000 SF)	0.4058	0.2584	2.4076	—	0 [1]	260 [1]

B. TRADE-OFF EXAMPLE

EXAMPLE 1: TRADE FROM SINGLE FAMILY TO APARTMENT

Trade 30 (dwelling units) of Single Family detached for 7 (dwelling units) of Apartment
 $= 30 \text{ (dwelling units) of Single Family detached} \times 1.5707 \text{ x (dwelling units) of Apartment}$
 $= 47 \text{ (dwelling units) of Apartment}$

C. SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES

Land Use	NOPC Total 1,000 SF or Dwelling Units	Trips [2]	Trips / Measure
Single Family Detached (ITE 210)	612 Dwelling Units	468	0.9102 Dwelling Unit
Multi-Family, Apartment (ITE 220)	604 Dwelling Units	350	0.5795 Dwelling Unit
Shopping Center (ITE 820)	150 1,000 SF	810	5.4000 1,000 SF
General Office (ITE 710)	140 1,000 SF	314	2.2429 1,000 SF

D. FOOTNOTES

[1] Office land use was not previously reviewed and no minimum or maximum limits were previously approved.
 [2] All trips are ITE 7th Edition gross external trips (see NOPC Trip Generation Table 4)

File Name = H:\048760001 - Pavilion NOPC - NOPC_110404\Trade-Off_022005\Revised_NOPC_Trade_DRI_007200.xls\Trade-Off
 Print Date = 07/26/05
 Print Time = 10:40 AM

EXHIBIT "C"

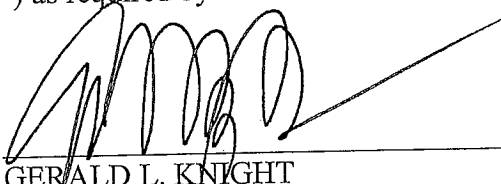
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BROWARD

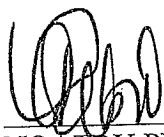
I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared GERALD L. KNIGHT, as attorney for LENNAR PARTNERS, INC., a Florida corporation, n/k/a LNR PARTNERS, INC., a Florida corporation ("LENNAR"), the applicant for the Pavilion DRI Notice of Proposed Change No. 6, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. LENNAR filed its Notice of Proposed Change No. 6 for the Pavilion DRI on May 20, 2005.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.


GERALD L. KNIGHT
Attorney for LENNAR

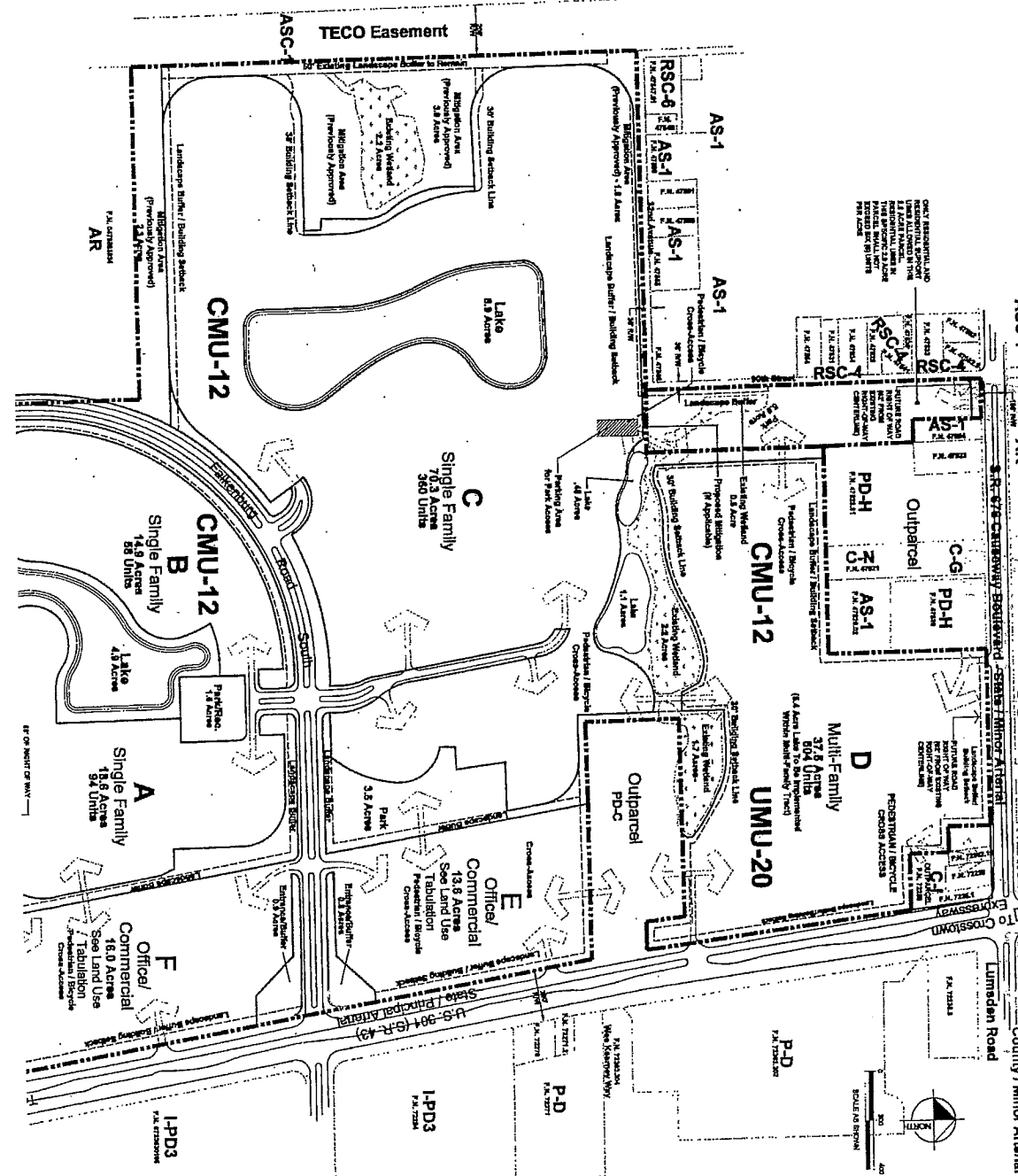
SWORN TO and subscribed before me this 10th day of February, 2006.


NOTARY PUBLIC
My Commission Expires:

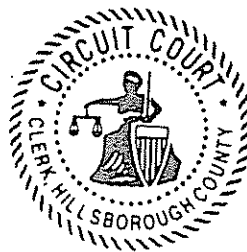


V. Tabio
Commission # DD104432
Expires March 28, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

1 - Position_VORPC\...NORPC\10404\CADD\CONSTRUCTION\JOINT\PROPOSED...encl_101905.dwg Layout1 Oct 19, 2005 2:26pm by: Carolyn Pham



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

June 6, 2003

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

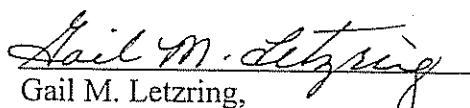
Re: Resolution No. R03-089 - Amending the Development Order for the Pavilion (DRI #148)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on May 13, 2003.

We are providing this original for your files.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

jg

Attachment

Certified Mail 7000 0600 0029 5053 8209

cc: Board files (orig.)

Charles Gauthier, Chief, DCA Bureau of State Planning(orig.ltr.)

Gerald L. Knight, Esquire, Holland & Knight(orig. ltr.)

Susan J. Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R03-089

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR
DRI #148 -- THE PAVILION

Upon motion by Commissioner Noramm seconded by Commissioner Castor, the following Resolution was adopted by a vote of 6 to 0 Commissioner(s) _____, voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a nonresidential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December 31, 2003; extension of the expiration date to July 11,

2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993 the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposes to remove from the DRI .432 acres of land; reduce the approved Multi-family acreage by .432 acres to reflect the acreage reduction; reduce the total project acreage to reflect the .432 acre reduction; modify the project Master Plan to reflect the .432 acre reduction; and

WHEREAS, on December 13, 1994 the Board of County Commissioners approved the Third Amendment (Resolution No. R94-0320) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 20, 1996 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed to extend the date within which to complete the pipeline improvement; deletion and modification of certain conditions to reflect consistency with environmental permits; delete transportation monitoring provisions found unnecessary; deletion of conditions found not applicable or unwarranted for the new residential mixed use development; revise Map H (the General Development Plan) to reflect minor changes to conform with environmental permits and detailed drainage calculations; and

WHEREAS, on March 25, 1997 the Board of County Commissioners approved the Fourth Amendment (Resolution No. R97-095) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 28, 2003 Lennar Partners filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed an extension of the project buildout date to December 30, 2006; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Fifth Amendment to the Development Order and has considered the changes proposed in the Notification of Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY FLORIDA IN REGULAR MEETING ASSEMBLED THIS 13 DAY OF May, 2003, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Lennar Partners, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact which is attached hereto and marked "Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Notice of Proposed Change to a Previously Approved Development of Regional Impact and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Sylvia G. Bernstein, Vice President, Lennar Partners, 1601 Washington Avenue, Suite 700, Miami Beach, Florida 33139.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved and as reduced by this amended development order 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.
- G. Pursuant to Chapter 380.06(5)(c), the Developer elects to be bound by the rules adopted pursuant to Chapter 403 and 373 in effect at the times of issuance of this Amended Development Order.
- H. The costs of the required road improvements listed in Option 3 of the Parkway Center Development Order, Resolution No. 87-0334 are substantially greater than the amount of the Parkway Center proportionate share amount. According to the terms of the Parkway Center Development Order, the County may assist Parkway Center in funding the required road improvements. The County is providing such assistance to Parkway Center by allowing a portion of the required road improvements in Option 3 of the Parkway Center Development Order to be included as Option 3 traffic mitigation alternatives for the Developer of the Pavilion DRI. Such assistance by the County is contemplated under the terms of the Parkway Center Development Order and as such no amendment to the Parkway Center Development Order is necessitated by providing such assistance.

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, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.

4. The changes outlined herein do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of the Development Order, as amended.
- D. The Application for Development Approval and Notice of Proposed Change to a Previously Approved Development of Regional Impact are approved subject to all terms and conditions of this Amended Development Order.
- E. The Developer's Certification, Exhibit B, affirming that copies of the Notice of Proposed Change have been delivered to all persons required by law, is incorporated herein.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval and the Notice of Proposed Change to a Previously Approved Development of Regional Impact for The Pavilion Development of Regional Impact.
- B. The legal description set forth in Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses marked "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.
- D. The definitions contained in chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity

- E. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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 governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments 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 The Pavilion, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, 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 as defined by the criteria of Chapter 380.06(19)(b) 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 Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional

Impact review pursuant to Chapter 380.06, Florida Statutes, and may result in Hillsborough County ordering a termination of such development activity pending such review except as otherwise provided herein, or by law.

- 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Development shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85 as amended. 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 Planning and Development Management Department which 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. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. 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(es) of any heir, assignee or successor in interest to this Development Order.
 5. A statement describing how the Development has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- 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 except as otherwise provided herein, or by law.
- M. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The development of the project shall proceed in accordance with the following proposed schedule:

Years	Residential Units	Retail (g.s.f.)
(1993-12/30/2006)*	1364	350,000

* Project buildout extended by six years, eleven months, 30 days from original project buildout date.

(amended: Resolution No. R93-0117; Resolution No. 03-_____)

2. The Developer may decrease retail square footage and simultaneously increase the number of residential units pursuant to the formula represented in the equivalency matrix set forth on Exhibit "B". The Developer shall give notice to the Florida Department of Community Affairs and TBRPC of all

land use conversions utilizing the Equivalency Matrix in each annual report following such. conversion(s).

3. This Development Order shall remain in effect for a period up to and including July 11, 2008. No development, authorized under this Development Order shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty days prior to the expiration date of this Order.
4. The development shall not be subject to down-zoning, or intensity reduction until July 11, 2008, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
5. The deadline for commencing physical development at the project site shall be July 25, 1995. For purposes of this paragraph, "physical development" shall mean commencement of site preparation and horizontal infrastructure.

B. Transportation

1. The developer shall conform to the six stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits and shall monitor them with each annual report.
 - a. Access and internal road geometrics in nonresidential areas shall accommodate a ninety-six (96) inch wide by forty (40) feet long advance design coach.
 - b. The Developer shall provide shelters and pull-out bays along the on-site transit route. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area

lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.

- c. Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop.
- d. Maintenance of transit amenities shall be the responsibility of the property owner.
- e. Details, standards and phasing of all transit amenity provisions must be approved by the Hillsborough Area Regional Transit Authority.
- f. The developer shall make a good faith effort (documented) to inform potential tenants (leasee) of HART's employer sponsored bus pass program and merchant discounts for HARTline patrons.

(amended: Resolution No. R97-095)

- 2. The Developer, at his option, shall mitigate the impacts of the Project on the regionally significant roadway system through one or a combination of the options set forth below. Compliance with the provisions of any of the options described below has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC). No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved.

a. Option 1: Funding Commitment

- (1) Approval of the development shall require funding commitments from the responsible entities for the roadway improvements listed in Transportation Tables 1 and 2. Without funding commitments for these improvements, construction permits shall not be issued.
- (2) Alternatively, if funding commitments have been made for specific regional roadway improvements, the Developer may sub-phase the project. Specific

amounts of project development will then be approved if the following conditions exist:

- (a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.
- (b) Funding commitments for roadway improvements shall be required when the regional roadway operates below LOS D at peak hour and the development contributes 5 percent or more of LOS D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.
- (c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring shall also be required in this instance.

b. Option 2:

- (1) In the event that commitments for transportation improvements are only adequate to permit partial approval of the Pavilion development, the capacity and loading of transportation facilities in the south Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO"), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, as amended, with updated current traffic counts on the above roadways and projections of traffic volumes that

will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a peak hour, Level of Service D (C peak rural). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, beyond the initial partial approval set forth in B.3.b.(2) below, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above a peak hour Level of Service D (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below a Level of Service D (C peak rural) at peak hour.

- (2) Under this option the Developer may construct up to 286,800 square feet of retail space or 150 residential dwelling units (or a combination of uses not to exceed the trip generation of 286,800 square feet of retail space or 150 residential dwelling units) with site access to/from U.S. 301 without demonstrating funding commitments for roadway improvements other than such improvements as may be necessary for obtaining permits for project driveways onto U.S. 301 pursuant to applicable FDOT permitting requirements. The uses specified above have been determined to not cause impacts at other locations on the regional transportation network which warrant mitigation pursuant to TBRPC policy. Construction of said uses may proceed prior to the Developer's election to mitigate transportation impacts under Option 3 below.

(amended: Resolution No. R93-0117)

Table 1 Required Link Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes				
Road	Segment	Total Traffic LOS Prior to Improve	Devel. Contrib. (%)	Required Improvement
Causeway Blvd. Lumsden Avenue	78 th Street to Project Drive E	F	14.6	Construct 4-Lane Divided Arterial
Causeway Blvd. Lumsden Avenue	Project Drive E to U.S. 301	F	14.6	Construct 6-Lane Divided Arterial
Faulkenburg Road	Crosstown Exp. to Lumsden Ave.	F	22.5	Construct 6-Lane Capacity Enhanced Divided Arterial
Faulkenburg Road	Lumsden Avenue to U.S. 301	N/A	28.7	Construct 4-Lane Divided Arterial
Faulkenburg Road	Pavilion Road to Brooker Road	N/A	28.7	Construct 4-Lane Divided Arterial
Lakewood Drive	SR 60 to Lumsden Avenue	F	7.3	Construct 4-Lane Divided Arterial
U.S. 301	Causeway Blvd Project Drive A	F	13.0	Widen to 6-Lane Divided Arterial
U.S. 301	Project Drive A to Project Drive B	E	6.22	Widen to 6-Lane Divided Arterial

N/A: Not constructed at time of analysis

<p>Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Buffalo Avenue at U.S. 301	E	8.4	Construct third through lane and second left-turn lane NB and SB. Construct second through lane EB and WP.
Buffalo Avenue at Parsons Ave	E	5.3	Construct second left-turn lane NB and one right-turn lane SB. Construct second through lane EB and convert right-turn lane to through-right turn lane WB.
SR 60 at Lakewood Drive	E	16.0	Construct second through lane and left-turn lane NB and SB. Construct third through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Kings Avenue	E	11.7	Construct second through lane NB and SB. Construct second left-turn lane and one right-turn lane NB. Construct third and fourth through lane EB. Construct third through lane and convert right-turn lane to through-right turn lane WB.
SR 60 at Parsons Avenue	E	48.9	Construct second through lane NB and SB and third through lane EB and WB. Construct second left-turn lane SB.
SR 60 at Bryan-Kingsway Road	E	7.1	Construct right-turn lane NB. Convert right-turn lane to through right-turn lane EB. Construct second left-turn lane EB and third through lane WB.
SR 60 at Mud Lake Road	E	8.8	Signalize when warranted by MUTCD.
U.S. 41 at Palm River Rd	E	6.4	Construct second left-turn lane SB.
Palm River Rd at 78 th St	E	47.5	Construct left-turn lane EB and WB. Construct right-turn lane EB.
U.S. 41 at Causeway Blvd.	E	23.3	Construct second left-turn lane NB and second right-turn lane EB.
Causeway Blvd at 78 th Street	E	17.9	Construct second through lane and one left-turn lane and convert through-right-turn lane to right-turn lane NB. Construct second left-turn lane and one right-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second through lane and left-

<p>Table 2</p> <p>Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Causeway Blvd at North Entrance	N/A	N/A	turn lane EB and WB. Construct two-left turn lanes and one right-turn lane NB. Construct third through lane and one right-turn lane EB. Construct third through lane and two left- turn lanes WB. Signalize when warranted by MUTCD.
Lumsden Avenue at U.S. 301	E	100.00	Construct third through lane and second left-turn lane NB and SB. Convert right-turn lane to through-right- turn lane SB. Construct third through lane, second left-turn lane, and one right-turn lane EB. Construct third through lane and second left-turn lane WB.
Lumsden Avenue at Faulkenburg Road	E	25.4	Construct second through lane and one right-turn lane NB. Construct second through lane and one left-turn lane SB. Convert left-through lane to left-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second left-turn lane and one through- right-turn lane EB. Construct third through lane and second left-turn lane and convert right-turn lane to through-right-turn lane.
Lumsden Avenue at Providence Rd.	E	54.3	Construct second through lane and two left-turn lanes NB and SB. Construct third through lane and second left-turn lane. Construct third through lane and convert right-turn lane to through-right-turn lane WB.
Lumsden Avenue at Kings Avenue	E	23.6	Construct second left-turn lane NB. Construct second through lane and convert right-turn lane to through- right-turn lane EB and WB.
Lumsden Avenue at John Moore Road	E	72.6	Construct second through lane NB and SB. Construct second and third through lanes and one left-turn lane EB and WB.
Lumsden Avenue at Bryan- Kingsway Ed.	E	52.6	Construct left-turn lane NB, SB, EB and WB. Construct second through lane EB and WB.
U.S. 301 at Project Dr. A	N/A	N/A	Construct two left-turn lanes NB and right-turn lane

<p>Table 2</p> <p>Phase I (1992) Required Intersection Improvements for The Pavilion</p> <p>Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
U.S. 301 at Project Dr. B	N/A	N/A	SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD. Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. C	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Faulkenburg Road	N/A	40.6	Construct two left-turn lanes NB. Construct left-turn lane and right-turn lane SB. Construct two left-turn lanes, two through lanes and one right-turn lane EB. Construct two through lanes and one right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. D	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Brooker Road	N/A	53.5	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane, second through lane, and right-turn lane EB. Signalize when warranted by MUTCD.
Faulkenburg Road at Brooker Road	N/A	22.4	Construct two through lanes and right-turn lane NB and SB. Construct left-turn lane SB and left-through lane EB. Construct two left-turn lanes and through-right-turn lane WB. Signalize when warranted by MUTCD.
Lumsden Avenue at Lithia Road	E	34.6	Construct second through lane NB and convert right-turn lane to through-right-turn lane SB. Construct right-turn lane EB.
Bloomingdale Ave at US 301	E	36.9	Construct second left-turn lane SB.
Bloomingdale Ave at Providence Rd	E	20.3	Construct right-turn lane NB. Construct second through lane EB and WB.
Bloomingdale Avenue at Kings	E	10.4	Construct second through lane EB and convert right-

Table 2 Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes			
Intersection	Total Traffic LOS Prior to Improve	Development Contribution (%)	Required Improvement
Ave			turn lane to through-right-turn lane WB.
Bloomingdale Ave at John Moore Rd	E	7.5	Construct right-turn lane EB.
Bloomingdale Ave at Bryan- Kingsway Rd	E	6.0	Construct left-turn lane EB.
U.S. 301 at Riverview Rd	E	41.8	Convert right-turn lane to through-right-turn lane NB. Construct second through lane SB.

N/A: Not constructed at time of analysis

- c. Option 3: Transportation Impact Mitigation: In lieu of or in conjunction with the election of Option 1 or 2 above, the Developer may elect Option 3 as set out below by informing the County of such election with copies to TBRPC within ninety (90) days of the Development Order becoming non-appealable. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the Project on regionally significant transportation highway facilities within the primary impact area. The selection of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) Subject to the other provisions of this Option 3, the Developer shall complete design, acquire needed right-of-way, including land needed for related stormwater facilities, and construct the extension of Faulkenburg Road from its proposed intersection with U.S. Highway 301 west and south to an intersection with Brooker Road. The Developer shall design and construct Faulkenburg Road as a four lane divided urban section.

(amended: Resolution No. R92-0217; Resolution No. R93-0117)

- (2) The design work required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Design", and the cost or value of right-of-way and improvements required under paragraph B.2.c.(1) above shall be referred to herein as the "Required Improvements". The cost of the Required Design and the Required Improvements shall be referred to herein as the "Required Improvements Costs."
- (3) The Developer shall initiate the Required Design within thirty (30) days of the election of this option. Subject to acts of God or other occurrences beyond

Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before June 15, 1994. Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County. The Developer will bear any additional costs caused by the extension in the construction of the Required Improvements.

(amended: Resolution No. R92-0217)

- (4) Within three (3) months after the completion of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs, Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit against future transportation and right-of-way impact fees which may be assessed against the Project.

(amended: Resolution No. R92-0217)

- (5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects. Approval shall be in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The Required Design period shall not include review by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion. The County and FDOT review periods shall not exceed thirty (30) days.

- (6) The Developer shall expeditiously seek final approval of road alignments for all appropriate agencies. Once road alignments for the Required Improvements have been finalized with all appropriate agencies to the extent necessary to identify all needed right-of-way as defined in the Pavilion zoning conditions, which would occur on the land identified in Exhibit "A", the Developer will provide such right-of-way to the County upon request and in exchange for appropriate credit against satisfaction of the proportionate share amount or impact fees whichever is applicable.
- (7) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrances to Pavilion off of Falkenburg Road to the project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison as a four lane divided highway or (2) July 11, 2003. However, in the event Falkenburg Road is not constructed as a four lane divided highway from Pavilion's southern boundary to Madison, by project buildout the Developer shall be relieved of the responsibility for completing the remaining two inside lanes of the "Required Improvements". To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide nonfinancial assistance to the Developer when required in obtaining all necessary permits,

approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance.

(amended: Resolution No. R97-095)

- (8) The Developer's Proportionate Share for Phase I the development has been calculated to be \$4,430,769. Under the reduction of the project approved June 8, 1993, the Proportionate Share for the development has been calculated to be \$1,856,785. Said Proportionate Share has been calculated based on the formula set forth in Rule 9J-2.0255, F.A.C. as interpreted by policies of the Florida Department of Community Affairs, TBRPC, FDOT and Hillsborough County. In no event shall the Developer be required to make dedications, contributions and/or funding commitments for purposes of mitigating regionally significant impacts of which exceed the total Proportionate Share set forth above.

(amended: Resolution No. R93-0117)

- (9) In lieu of the requirements under paragraphs B.2.c.(1)-(7) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order is estimated to be \$2,299,495 in 1993 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall

be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's proportionate share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein. If the County accepts payments under this section, it shall use such monies to expeditiously complete the Required Design and/or the Required Improvements and no further building permits shall be issued until the Required Improvements are complete.

(amended: Resolution No. R93-0117)

- (10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements. Upon such failure, the Developer shall turn over to the County all design plans, maps, permit applications and any other materials produced which would assist the County in completing the Required Design or construction of the Required Improvements.
 - (11) If the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein are not provided in substantial compliance with the requirements of this option, development activities and issuance of permits under this option shall immediately cease unless otherwise permitted to continue by Hillsborough County with the concurrence of TBRPC.
3. Pursuant to law, the Developer shall receive credit for all transportation mitigation expenditures against future transportation and right-of-way impact fees. The application

and payment of transportation and right-of-way impact fees in itself does not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Proportionate Share Amount and the sum of the costs of the Required Design and the Required Improvements shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the Project. Should the difference be substantial the developer may elect to make other improvements of an equivalent value, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference, shall be deemed to fully and completely satisfy any and all of its obligations under Chapter 380.06, Florida Statutes, to mitigate the traffic impacts of the Pavilion project.

4. A pedestrian circulation system and a bicycle circulation system consistent with applicable standards of the I-75 Corridor shall be provided within the project.
5. Site Access to public streets shall be determined on the following basis:
 - a. The location and design of all project driveways providing access to/from U.S. Highway 301 or Causeway Boulevard shall be subject to approvals pursuant to applicable permitting requirements of the Florida Department of Transportation (FDOT) and the approved General Site Plan. The location and design of driveways providing access to/from all public streets in or adjacent to the project site shall be subject to Hillsborough County review and approval in conjunction with preliminary plat/preliminary site plan approvals for individual development tracts.

(amended: Resolution No. 97-095)

C. Air Quality/Wind and Water Erosion

1. The Developer shall undertake the measures referenced on page 13-5 and 13-6 of the ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during development.
2. The applicant shall provide an air quality impact analysis of the Project consistent with the Florida Department of

Environmental Regulation (FDER) guidelines, and subject to review by FDER, the Hillsborough County Environmental Protection (HCEPC) and TBRPC prior to the issuance of building permits for the project. Any exceedances of ambient air quality standards due to the adverse impacts of the Project shown in the analysis shall be mitigated prior to the issuance of building permits for the amount of development which triggers the exceedance. Proposed mitigation measures shall be submitted to FDER, HCEPC and TBRPC for review and comment. Required mitigation measures shall be established by amendment to the Development Order. In August 1992, the Developer demonstrated to the satisfaction of TBRPC, the Florida Department of Environmental Regulation ("FDER"), the Environmental Protection Commission ("EPC") and the County that Phase I (1997) would cause no exceedances of ambient air quality standards. Thus, no air quality mitigating measures are required for the project.

(amended: Resolution No. R92-0217)

3. The applicant shall notify all tenants of their responsibility to comply with all of the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
4. Hillsborough County shall reserve the right to require mitigation measures to alleviate any adverse impacts of the project on ambient air quality.

D. Soils

1. The methods discussed on page 14-1 of the ADA to overcome problems associated with the particular soil types occurring on-site shall be implemented.
2. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-5 and 14-6 of the ADA, at minimum, shall be implemented.

E. Stormwater Management and Water Quality

1. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits the Master Stormwater Management Plan and supporting calculations shall be submitted to TBRPC and FDER for review and to Hillsborough

County and SWFWMD for approval. The Development's stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The appropriate Hillsborough County stormwater drainage system drainage criteria to be used is that which is in effect at the time of submittal and review of construction plans for the project.

2. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40-D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. All necessary drainage and access easements shall be donated to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel must be fully executed and recorded prior to certificates of occupancy.
4. The Developer shall operate and maintain all on-site stormwater management facilities for the Development unless otherwise required or requested by the County.
5. In order to protect water quality the Developer shall implement Best Management Practices as recommended by the County and SWFWMD, including a street cleaning program for the parking and private roadway areas within the development.
6. In order to protect water quality there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to ground-breaking or subject to buildout, the Developer shall provide a surface water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by FDER. The following shall apply.
 - a. Sampling locations and frequencies shall be determined in cooperation with Hillsborough County, FDER and SWFWMD.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.

- c. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, all construction within the subbasins where the violation is noted shall cease until the violation is corrected, or if specific construction activities can be identified as causing the violation, all such activity responsible for the exceedance shall cease until the violation is corrected.
7. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

F. Environmental and Natural Resources

1. Areas illustrated as "Conservation" on the zoning General Site Development Plan denote the general location and extent of areas which include certain wetlands that meet the definition of conservation areas in Section 10.3.1 of the TBRPC adopted growth policy, Future of the Region. The specific location and extent of such conservation areas shall correspond to those areas that fall within the jurisdiction of one or more of the agencies having authority to regulate development activity for purposes of protecting wetland resources. Alterations or removal within such areas shall be subject to applicable regulations of these agencies.
2. In order to protect the natural values of conserved wetland areas, the following shall be required:
 - a. Except as otherwise permitted by agencies having jurisdiction:
 - (1) A wetland/lake management plan shall be submitted to Hillsborough County and TBRPC for review and to FDER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be conserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being

disturbed unless otherwise approved by agencies having jurisdiction.

4. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.
5. All mitigation areas and littoral shelves shall be monitored twice yearly for a period of three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years.

(amended: Resolution No. R97-095)

6. Nothing herein shall be construed to interfere with the ability of the Developer to perform any construction, modification or alteration activities contained in any consent order entered into by the Developer and any appropriate regulatory agency.
7. A representative tract of mesic oak hammock and hydric oak hammock, as listed on page 18-1 of the ADA, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.
8. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
9. There shall be no net loss of hydrologic storage capacity in the 100-year flood plain.

G. Public Facilities

1. Water-saving devices shall be required in the project (as mandated by the Florida Water Conservation Act Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping wherever feasible.
2. Prior to preliminary plat/preliminary site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a

sprinkler system, fire hydrants or fire plan are options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/equipment required to serve the project are available.

3. The Developer shall be required to utilize public water, and public sewer and shall pay all required costs to connect for service delivery. The Developer shall submit to the County Planning and Development Management Department prior to the issuance of Zoning Compliance Permits, evidence of a current commitment from the City of Tampa Department of Water and Wastewater Utilities to provide public water and public sewer services, and evidence of agreement to pay necessary costs and to meet any other terms of the commitment such as depicted easements to enable the City to provide public water and public sewer service delivery.
4. Prior to issuance of preliminary plat/preliminary site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Medical Services capabilities and facilities are available to service the development.
5. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
6. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.
7. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06 (19) (a), F.S., unless required by Hillsborough County.

H. Hazardous waste

1. Large quantity generators of hazardous substances shall implement a site-specific surficial aquifer monitoring program as required by FDER, EPC and Hillsborough County. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle such quantities of hazardous wastes, to minimize hazards to human health and the environment. Such

plan shall describe the procedure and actions required of facility personnel, as well as describe the necessary arrangements agreed to by local EMS, fire, police departments and hospitals and shall be included in the first annual report following occupancy of such use within the park.

2. All temporary hazardous waste storage facilities shall meet the criteria set forth in applicable federal, state and local regulations.
3. Hazardous waste storage areas within the project shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials.
4. The Developer shall develop a program for the commercial portion of the project which will emphasize the education of tenants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials, and inform potential tenants of applicable state and federal regulations and tenants' responsibilities in complying with such regulations.
5. All Pavilion owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

I. Energy conservation

1. All Pavilion tenants, businesses, residents, etc. shall be encouraged to:
 - a. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. obtain energy audits provided by energy companies or other qualified agencies;
 - c. install water heaters timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. use landscaping and building orientation to reduce heat gain, where feasible, for all Pavilion construction;
 - e. promote energy conservation by employees, buyers, suppliers and the public, as appropriate;

- f. reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. institute and utilize recycling programs;
 - h. utilize energy efficient packaging and/or recyclable materials; and
 - i. install total energy systems on large facilities when cost effective.
2. The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site.

(amended: Resolution No. R97-095)

J. Equal Opportunity

1. The Developer shall encourage all contractors and subcontractors to involve minority groups in the development of the project. All commercial establishment areas shall be available to all, on a fair and impartial basis.

K. Historical or Archaeological Resources

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

L. General

1. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, Richard Ake, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is true and correct copy of a Resolution adopted by the Board at its regular meeting of May 13, 2003 as same appears of record in Minute Book 324 of the Public Records of Hillsborough County, Florida.

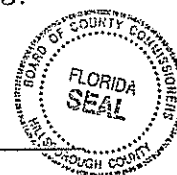
WITNESS my hand and official seal this 6th day of June, 2003.

By: see below

Approved as to legal form
and sufficiency

_____, CLERK

Justene W. Gregory
Deputy Clerk



By: [Signature]
County Attorney's Office

EXHIBIT "A"

Begin at the intersection of the Westwardly extension of the North line of Tract 12 in the Northeast 1/4 of Section 36, Township 29 South, Range 19 East of SOUTH TAMPA SUBDIVISION, as per map or plat thereof recorded in Plat Book G, Page 3 of the Public Records of Hillsborough County, Florida, and 30 feet West of and parallel with the West line of said Tract 12. Run thence S.89°53'18"E., along the Westwardly extension of the North line of said Tract 12, along the North line of said Tract 12, along the North line of said Tract 11 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Eastwardly extension of the North line of said Tract 11 a distance of 1348.63 feet to the Northwest corner of Tract 10; thence N.09°15'21"E. along the southwardly extension, and the West line of Tract 7 and along the West line of Tract 2 a distance of 1280.91 feet to a point on the Southerly right-of-way line of Causeway Boulevard; thence N.89°53'44"E. along said Southerly right-of-way line a distance of 150.00 feet; thence S.09°18'21"E. a distance of 261.48 feet; thence N.89°41'06"E. a distance of 95.11 feet; thence S.09°27'58"E. a distance of 344.73 feet, to a point on the North line of Tract 7; thence S.89°43'15"E. along the said North line of Tract 7 a distance of 400.25 feet to the Northwest corner of Tract 8; thence S.89°56'32"E. along the North line of said Tract 8 a distance of 424.92 feet; thence N.09°28'03"W. a distance of 602.12 feet to a point on the Southerly right-of-way line of Causeway Boulevard, (State Road No. 678); thence N.89°48'06"E. along the Southerly right-of-way line of Causeway Boulevard, a distance of 220.00 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°21'29"E. a distance of 41.56 feet to the intersection of the Southerly right-of-way line of Causeway Boulevard and the West line of lot "D" of BOULEVARD VILLAS SUBDIVISION as per map on Plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida; thence N.89°53'30"E. along the Southerly right-of-way line of said Causeway Boulevard, a distance of 428.21 feet; thence S.09°05'30"E. a distance of 170.00 feet; thence N.89°53'30"E. a distance of 159.60 feet; thence South a distance of 70.61 feet; thence N.89°53'30"E. a distance of 151.31 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (State Road No. 43); thence S.08°17'00"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 762.53 feet; thence S.04°58'38"E., along the Westerly right-of-way line of U.S. Highway 301, a distance of 311.72 feet; thence S.08°00'54"E., along the Westerly right-of-way line of U.S. Highway 301, a distance of 18.87 feet; thence N.89°35'09"W., a distance of 99.10 feet; thence N.08°00'54"W., a distance of 131.54 feet to a point on the South line of Lot "C" or said BOULEVARD VILLAS SUBDIVISION; thence N.89°32'31"W., along the South line of said Lot "C", a distance of 793.72 feet to a point on the East line of Tract 8 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.09°26'18"E., along the East line of said Tract 8, a distance of 62.39 feet to the Southeast corner of said Tract 8; S.09°23'30"E., a distance of 30.01 feet to the Northeast corner of Tract 9 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.09°04'23"E., along the East line of said Tract 9, a distance of 265.93 feet to a point on the Westwardly extension of the North line of Lot "K" of said BOULEVARD VILLAS SUBDIVISION; thence S.89°57'05"E., along the Westwardly extension of the North line of said Tract "K", along the North line of said Tract "K", along the Eastwardly extension of the North line of said Lot "K", and along the North line of Lot "L" of said BOULEVARD VILLAS SUBDIVISION, a distance of 941.97 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301; thence S.08°08'54"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 1603.67 to the P.C. of a curve to the left having a radius of 5471.53 feet; thence along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 671.67 feet along the arc of said curve, thru a central angle of 06°36'38"; a chord bearing and distance of S.11°25'13"E., 671.30 feet to a point on the Northerly right-of-way line of Everhart Road; thence N.89°24'75"W., along the Northerly right-of-way line of Everhart Road, a distance of 177.73 feet; thence S.09°35'45"W., along the Northerly right-of-way line of Everhart Road, a distance of 25.00 feet; thence N.89°24'15"W., along the Northerly right-of-way line of Everhart Road, a distance of 450.13 feet; thence S.88°29'47"W., along the Northerly right-of-way line of Everhart Road, a distance of 325.77 feet; thence S.88°38'33"W., along the Northerly right-of-way line of Everhart Road and its Westwardly extension, a distance of 329.13 feet to a point on the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence S.86°52'58"W., a distance of 15.02 feet to the Southeast corner of Tract 8 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°54'51"W., along the South line of said Tract 8, along the South line of Tract 7 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Westwardly extension of the South line of said Tract 7, a distance of 1323.32 feet to the Southeast corner of Tract 6; thence N.09°01'54"W., a distance of 844.53 feet to the Southeast corner of Tract 3 in the Southeast 1/4 of said Section 36 of SOUTH TAMPA SUBDIVISION; thence N.89°54'51"W., along the South line of said Tract 3, along the South line of Tract 4 and the Westwardly extension of the South line of said Tract 4, a distance of 1317.56 feet to a point 30.00 feet West of and parallel with the West line of said Tract 4; thence N.09°00'40"W., along said line a distance of 674.57 feet to a point on the Westwardly extension of the South line of Tract 13; thence N.09°02'32"W., along a line 30 feet West of and parallel with the West line of Tract 13 and Tract 12 a distance of 1289.87 feet to the POINT OF BEGINNING.

EXHIBIT "A"

Page 1 of 2

Description Continued

LESS the following described Parcels numbered 2, 3 and 4

PARCEL 2:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the South right-of-way line of Causeway Boulevard and the West boundary of said Tract B; run thence N.89°51'10"E., along said South right-of-way line of Causeway Boulevard, a distance of 468.55 feet; thence S.00°05'30"E., a distance of 170.00 feet; thence N.89°51'10"E., a distance of 50.00 feet for a Point of Beginning; continue thence N.89°51'10"E., a distance of 35.00 feet; thence S.00°00'07"E., a distance of 125.00 feet; thence S.89°51'10"W., a distance of 35.00 feet; thence N.00°00'07"W., a distance of 125.00 feet to the Point of Beginning.

PARCEL 3:

A portion of Tract B of Boulevard Villas, as per Map or plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida. Being more particularly described as follows:

For a point of reference commence at the intersection of the South right-of-way line of Causeway Boulevard, and the West boundary said Tract B, run thence N.89°51'10"E., along said South right-of-way line of Causeway Boulevard a distance of 468.55 feet; thence S.0°05'30"E., a distance of 170.00 feet; thence N.89°51'10"E., a distance of 159.48 feet; thence S.08°17'00"E., a distance of 77.00 feet for the Point of Beginning. Continue thence S.08°17'00"E., a distance of 60.70 feet to a point on the South line of said Tract "B"; thence N.89°51'10"E., along the South line of said Tract "B", a distance of 100.00 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (S.R. No. 43); thence N.08°17'00"W., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 60. feet; thence S.89°51'10"W., a distance of 100.00 feet to the Point of Beginning.

PARCEL 4:

A parcel of land being a portion of Tract B, as shown on the plat of BOULEVARD VILLAS, as recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commence at the intersection of the South right-of-way line of Causeway Boulevard per County Commission Minute Book Q, Page 458, Hillsborough County Records, and the Westerly line of said Tract B; thence N. 89°51'10" E. along said South right-of-way line, for 468.55 feet; thence S 0°05'30" E for 170.00 feet; thence N 89°51'10" E for 15.00 feet to the POINT OF BEGINNING; thence continue N 89°51'10" E for 14.35 feet; thence SOUTH for 76.81 feet; thence N 89°51'10" E for 51.11 feet; thence S 8°17'00" E for 60.70 feet to a point on the South line of said Tract B; thence S 89°51'10" W, along said South line, for 129.40 feet; thence N 0°00'07" W for 11.19 feet; thence N 89°51'10" E for 35.00 feet; thence N 0°00'07" W for 125.00 feet to the POINT OF BEGINNING.

SUBJECT TO existing easements and rights-of-way of record.

EXHIBIT "B"

EXHIBIT "B"

TABLE 4

EQUIVALENCY MATRIX¹ Pavilion/Lennar NOPC

<u>CHANGE FROM:</u> <u>CHANGE TO:</u>	<u>Single Family</u>	<u>Multi-Family</u>	<u>Retail</u>
Single Family	N/A	.64 dus/du ² (0.637) ³	5.53 dus/ksf (3.535) ³
Multi-Family	1.57 dus/du (1.569) ³	N/A	5.55 dus/ksf (5.547) ³
Retail	283 sf/du (0.283) ³	180 sf/du (0.180) ³	N/A

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

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Single Family	300 dus	1,750 dus
Multi-Family	250 dus	2,550 dus
Retail	100 ksf	500 ksf

² Example exchanges:

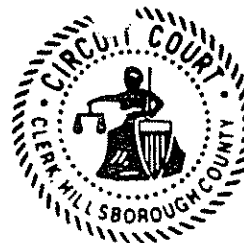
Add 10 Single Family dus by reducing Multi-Family
10 dus ÷ .637 = 15.70; Reduce Multi-Family by 16 dus

Add 5,000 sf Retail by reducing Single Family
5 ksf × .283 = 1.415; Reduce Single Family by 18 dus.

³ Actual equivalency factor for use in calculations

(added: Resolution No. R92-0217; amended: Resolution No. R93-0117)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

April 9, 1997

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

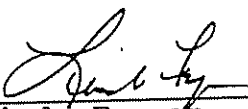
Re: Resolution No. R97-095 - Amending the Development Order for
Pavilion (DRI #148)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
March 25, 1997.

We are providing this copy for your files.

Sincerely,



Linda Fryman
Senior Manager, BOCC Records

LF:ADF

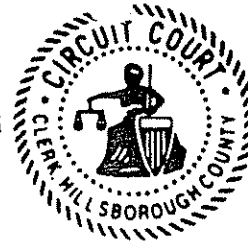
Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs
David Smith, Director of Governmental Affairs, Stearns Weaver
Miller Weissler Alhadeff & Sitterson, P.A.
Vincent A. Marchetti, Senior Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Joe Egozcue, County Attorney's Office

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R97-095, Amending the Development Order for Pavilion (DRI #148), approved by the Board in its regular meeting of March 25, 1997, as the same appears of record in MINUTE BOOK 250 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of April,
1997.



RICHARD AKE, CLERK

BY: 
Deputy Clerk

10/29/96

AMENDED DEVELOPMENT ORDER

Resolution No. R97-095

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

RECEIVED

MAR 28 1997

PLANNING & GROWTH
MANAGEMENT DEPARTMENT

Upon motion by commissioner Chillura, seconded by Commissioner Turanchik, the following Resolution was adopted by a vote of 4 to 1 Commissioner(s) Platt, voting "No."

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a non-residential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December

31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to Office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993 the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposes to remove from the DRI .432 acres of land; reduce the approved Multi-family acreage by .432 acres to reflect the acreage reduction; reduce the total project acreage to reflect the .432 acre reduction; modify the project Master Plan to reflect the .432 acre reduction; and

WHEREAS, on December 13, 1994 the Board of County Commissioners approved the Third Amendment (Resolution No. R94-0320) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 20, 1996 Lennar Homes, Inc. filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed to extend the date within which to complete the pipeline improvement; deletion and modification of certain conditions to reflect consistency with environmental permits; delete transportation monitoring provisions found unnecessary; deletion of conditions found not applicable or unwarranted for the new residential mixed use development; revise Map H (the General Development Plan) to reflect minor changes to conform with environmental permits and detailed drainage calculations; and

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

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Fourth Amendment to the Development Order and has considered the changes proposed in the Notification of Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 25th DAY OF March, 1997, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Lennar Homes, Inc., hereinafter referred to as "Developer," submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact which is attached hereto and marked "Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Notice of Proposed Change to a Previously Approved Development of Regional Impact and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Charles E. Cook, P.E., 1110 Douglas Avenue, Suite 3000, Altamonte Springs, Florida 32714.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved as amended by this development order 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, it is concluded that:
1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.
 4. The changes outlined herein do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of the Development Order, as amended.
- D. The Application for Development Approval and Notice of Proposed Change to a Previously Approved Development of Regional Impact are approved subject to all terms and conditions of this Amended Development Order.
- E. The Developer's Certification, Exhibit B, affirming that copies of the Notice of Proposed Change have been delivered to all persons required by law, is incorporated herein.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Fourth Amendment to the Development Order of Hillsborough County in response to the Application for Development Approval and the Notice of Proposed Change to a Previously Approved Development of

Regional Impact for The Pavilion Development of Regional Impact.

- B. The legal description set forth in Exhibit A and revised Map H are hereby incorporated into and by reference made a part of this Development Order.
- C. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- D. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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.
- E. 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.
- F. 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- G. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

- A. Section IV. B. 1. is deleted in its entirety as follows:

~~When Certificates of Occupancy have been issued for 70 percent of the Project (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak hour and daily traffic counts at the project entrance shall be instituted to verify that the number of external trips estimated in the ADA for the Project are not exceeded. Counts will continue on an annual basis through build out. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed volumes projected in the ADA for the Project by more than 15 percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Fla. Stats. If the exceedance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Fla. Stats. will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.~~

- B. Section IV. B. 3. c.(7) is hereby amended to read as follows:

"Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrances to Pavilion off of Falkenburg Road to the project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison

as a four lane divided highway or (2) July 11, 2003. However, in the event Falkenburg Road is not constructed as a four lane divided highway from Pavilion's southern boundary to Madison, by project buildout the Developer shall be relieved of the responsibility for completing the remaining two inside lanes of the "Required Improvements". To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance."

C. Sections IV. B. 6. b. and c. are hereby deleted in their entirety as follows:

~~b. Beginning with the first preliminary plat/preliminary site plan and continuing throughout buildout of the Project, the following analysis shall be provided with the submittal of the preliminary plat/preliminary site plan:~~

~~(1) An estimate of the vehicular traffic to be generated by the increment of development proposed for the coming year during the p.m. peak period;~~

~~(2) An estimate of the amount of traffic traveling to/from the new increment of development during the p.m. peak period, at each previously approved and proposed project access to U.S. 301, Causeway Boulevard, Falkenburg Road or Brooker Road.~~

- ~~(3) An analysis pursuant to an agreed methodology of the operating condition at buildout and full occupancy of the new development increment and all previously approved development in the project for each access in B.6.b.(2) above where the estimate of traffic to/from the new increment is equal to or greater than ten (10) percent of the total vehicular traffic generated by the new increment during the p.m. peak period.~~

~~Upon commencement of the annual monitoring program required by Section IV.B.1. of this order, the above analysis may be performed and submitted as part of the annual report.~~

- ~~e. The report shall be prepared consistent with accepted traffic engineering practices and a copy of approval of preliminary plat/preliminary site plans for increments of development in the coming year shall require a determination by Hillsborough County that such report demonstrates the ability of each project access in B.6.b.(2) above to accommodate the additional traffic of the new increment without causing the affected regionally significant roadways listed in B.6.b.(2) above to operate at below (worse than) the minimum acceptable level of service standard for such roadways as are established in the Capital Improvements Element of the adopted comprehensive plan of Hillsborough County.~~

- D. Section IV. F. 2. a.(2) is deleted in its entirety as follows:

- ~~(2) No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in conservation areas as identified on the General Site Development Plan submitted to Hillsborough County. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be~~

~~required semiannually in selected wetlands beginning immediately and continuing for three years following build out of the subbasin surrounding each wetland monitored. The monitoring sites shall be selected in cooperation with Hillsborough County, SWFWMD, FDER and TBRPC. Should conservation areas be stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.~~

- E. Section IV. F. 2. a. 5. is hereby amended to read as follows:

"All mitigation areas and littoral shelves shall be monitored twice yearly for a period of four three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years."

- F. Section IV. I. is hereby deleted in its entirety as follows:

~~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 that safe and orderly evacuation of residents and employees when a Level B evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of the hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.~~

- G. Section IV. J. 2. is hereby deleted in its entirety and in its place inserted the following:

2. ~~A report on the use of the energy conservation measures referenced on page 25 4 of the ADA and other recommended energy conservation~~

~~measures shall be included in~~
~~each annual report.~~

"The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site."

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is true and correct copy of a Resolution adopted by the Board at its regular meeting of March 25, 1997 as same appears of record in Minute Book 250 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of April, 1996.



RICHARD AKE, CLERK

By: [Signature]
Approved as to legal form
and sufficiency

By: _____
County Attorney's Office

I:\W-LU\10997\004\DR11996A.4TH
3/26/97

EXHIBIT "A"

FORM RPM-BSP-PROPCHANGE-1
EFFECTIVE DATE 11/20/90

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

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

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

1. I, Biff Craine, the undersigned owner/authorized representative of LENNAR HOMES, INC. hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Lumsden 301 The Pavilion development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Hillsborough County, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

12/20/96

(Date)



(Signature)

2. Applicant (name, address, phone).

Lennar Homes, Inc. (c/o Charles E. Cook, P.E.)
1110 Douglas Avenue, Suite 3000
Altamonte Springs, Florida 32714

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

Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
c/o Biff Craine or David M. Smith
SunTrust Financial Centre, Suite 2200
401 East Jackson Street
Tampa, Florida 33601
(813) 223-4800

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

Unincorporated Hillsborough County, 29-19-36, 29-20-31

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

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

The Developer proposes to amend the development order as follows:

- A. Section IV. B. 1. is proposed to be deleted in its entirety in recognition of the fact that the Lennar Pavilion DRI as a multi-use residential project, will not experience significant variations in traffic volume at its access points and that as approved the project will generate less than 30% of the external p.m. peak hour traffic of the originally approved commercial development that required the development of condition IV. B. 1.
- B. Section IV. B. 3. c.(7) is hereby proposed to be amended to read as follows:

"Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrance to Pavilion off of Falkenburg Road to the project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison or (2) July 11, 2000. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance."

The amendment provides for a delay in the completion of a portion of the Required Improvement until such time as the southern extension of Falkenburg Road to Madison is under construction or July 11, 2000. Currently, Falkenburg Road is constructed as a four-lane facility through the project to just beyond the entrance to the first residential tract, and then two-lanes to the project's southern boundary (See Exhibit B). The entire roadway section has been designed, drainage provided and

dedication of right-of-way for all four lanes of Falkenburg Road through the project has occurred. Only minor grading and paving of the interior two lanes remains to be completed. Currently, Falkenburg Road dead ends at the Pavilion property boundary and two additional lanes are not needed.

- C. Sections IV. B. 6. b. and c. are proposed to be deleted in their entirety in recognition of the fact that the Lennar Pavilion DRI as a multi-use residential project will not experience significant variations in traffic volume at its access points and that as approved the project will generate less than 30% of the external p.m. peak hour traffic of the originally approved commercial development that made conditions IV. B. 6. b. and c. appropriate. As approved, Pavilion is no longer a DRI scale project.
- D. Section IV. F. 2. a.(2) is proposed to be deleted in its entirety as its provisions are inconsistent with current Environmental Resource Permitting Basis of Review, Chapter 3. 2. 2. 4. which provides for monitoring to be specified as part of permit conditions and based upon the likelihood of impact on wetlands.
- E. Section IV. F. 2. a. 5. is hereby proposed to be amended to read as follows:

"All mitigation areas and littoral shelves shall be monitored twice yearly for a period of ~~four~~ three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years."

The amendment is proposed to bring the Development Order conditions into consistency with environmental permit conditions which call for a monitoring period of three years.

- F. Section IV. I. is hereby proposed to be deleted in its entirety in recognition of the project's change in character from a commercial project to a residential multi-use development. As a residential development, hurricane evacuation is controlled by the County and responded to by each individual resident and beyond the control of the Developer.

- G. Section IV. J. 2. is hereby proposed to be deleted in its entirety and in its place inserted the following:

"The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site."

The new language deletes the reporting requirement for energy conservation measures since the reporting is burdensome and unnecessary for the project as currently approved. The Developer is in compliance with all energy codes of the County.

H. Development Plan Changes

The General Development Plan (Map H) has been revised to conform with environmental permit requirements and to reflect the actual amount of stormwater detention area required based upon current permitting requirements and drainage calculations. The following describes the minor changes to the General Development Plan resulting from conformance environmental permit requirements and in response to detailed drainage calculations:

A. Park/Recreation Areas

The size of the proposed County park at the northwest corner of the site adjacent to Causeway Boulevard has increased in size from 5.0 acres to 6.7 acres. Public access to the park is still provided from the south through the subdivision.

The size and location of the private park originally proposed along the north right-of-way line of Falkenburg Road has changed. The park has been moved eastward along the north line of Falkenburg Road to the west line of the 13.60 acre commercial site. The park site has also increased in size from 1.5 acres to 3.5 acres. The size and location of the park has been changed to preserve a large stand of oak trees at the new location.

B. Lakes/Open Spaces

The size of the large 17.1 acre central lake shown on the original plan has now been reduced to 8.9 acres. This reduction is possible because of the favorable topography and more detailed drainage calculations which prescribed the actual volume of stormwater detention that will be needed in the future. The 17.1 acre lake now consists of 6.3

acres of residential area, 1.9 acres of new common open space and 8.9 acres of lake. The 1.8 acre mitigation area shown on the original plan at the northwest corner of the pavilion (adjacent to the south line of 32nd Ave.) has also been revised to conform to the actual mitigation area required by environmental permits. The area of the previous mitigation site now consists of 1.2 acres of residential area and 0.60 acres of open space to be used as a drainage swale. Therefore, the Revised General Development Plan has 7.5 acres (6.3 acres + 1.2 acres) of new residential area which was previously shown as lake or mitigation area on the original General Development Plan. A portion of all residential lots remain as open space, in the form of sideyards and setbacks. A typical 70 ft. wide by 110 ft. deep lot will have at least 37% open space. For this reason the 7.5 acres of new residential area yields 2.8 acres (7.5 Ac. x 0.37) of additional open space. The land use table on the General Development Plan has been revised to show the new open space provided within Pavilion associated with the residential acreage increase. The table has not been amended to reflect similar open space data for all residential acreage.

In summary, the Open Space provided by the revised Lennar/Pavilion DRI Development Plan reflects an increase in Open Space provided. The 7.5 acre residential acreage increase and 3.7 acre park increase were accommodated principally from an 8.3 acre reduction in lake creation area, a 1.8 acre mitigation area reduction (consistent with environmental permitting) and a 1.1 acre reduction in lake maintenance areas (resulting from lake area reduction). Pursuant to Chapter 380 and agency guidance letters, created lakes/detention ponds are not open space; therefore, the current plan results in a net increase in open space by .8 acres (see table).

	<u>Old</u>	<u>Current</u>	<u>Net Change</u>
Parks & Recreation	8.1	11.8	3.7
Wetlands/Mitigation	14.6	12.8	<1.8>
Additional Buffer and Lake Maintenance	25.3	24.2	<1.1>
Total Acres	48.0	48.8	0.8

Note: 4.7 acres of additional open space will result from the open areas created by the yards of the new residential acreage.

C. Unit County/Density

The total number of single family units has increased from 480 to 512. To compensate for this increase in single family units, there has been a corresponding reduction in multi-family units at a ratio of 1.569:1 as specified in the Equivalency Matrix of the Development Order as amended. For every one (1) single family lot added, the multi-family area has been reduced by 1.569 units. For this reason, the additional 32 single family lots have been offset by reducing multi-family units by 50 ($32 \times 1.569 = 50$). A comparison of the Current Plan and the Revised General Development Plan is shown below:

	SINGLE FAMILY			MULTI-FAMILY			TOTAL PROJECT		
	UNITS	ACRES	DENSITY	UNITS	ACRES	DENSITY	UNITS	ACRES	DENSITY
Current Plan	480	96.3	4.98 Units/Ac.	884	37.5	23.57 Units/Ac.	1364	215.9	6.32 Units/Ac.
Revised Plan	512	103.8	4.93 Units/Ac.	834	37.5	22.24 Units/Ac.	1346	215.9	6.23 Units/Ac.

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

See Substantial Deviation Determination Chart attached as Exhibit "A".

- List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

Original DRI Development Order

- Resolution No. R 89-0184 Adopted July 11, 1989 for DRI 148

First Amendment (Non-Substantial Deviation)

- Resolution No. R 92-0217 Adopted September 8, 1992 amending the Development Order for DRI 148
- Extended Buildout date
- Extended deadlines for the Required Improvements
- Added an equivalency matrix
- Deleted conditions related to air quality monitoring

Second Amendment (Non-Substantial Deviation)

- Resolution No. R 93-0117 Adopted June 8, 1993 amending the Development Order for DRI 148
- Converted the project from a non-residential development to a mixed use residential development consisting of 350,000 g.s.f. of retail and 1364 residential units
- Modified equivalency matrix to include residential uses
- Extended project buildout to December 31, 2003
- Extended Development Order expiration date to July 11, 2008
- Extended the anti-downzoning date to July 11, 2008
- Created a single phase development
- Deleted affordable housing study requirement
- Deleted all conditions related to Office, Hotel, and Research Corporate Park uses
- Deleted developer commitments related to non-residential developments at high intensity

Third Amendment (Non-Substantial Deviation)

- Deleted .432 acres of property from the northeast corner of the DRI

There has been no change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

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

No lands have been optioned or purchased within 1/4 mile of the original DRI site since original approval of the DRI development order.

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

The change proposed is less than 40% (cumulatively with other approved changes) of any of the criteria referenced above.

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

YES X

NO

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

No change to the buildout or phasing date is proposed.

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

No change to the local government plan is required.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code.

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

No change in the master site plan is required for the proposed amendment. However, a Revised General Development Plan is enclosed as Exhibit D reflecting minor changes to the original plan of development to correspond to environmental permit requirements and detailed drainage calculations.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas of preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

See the proposed Amended Development Order attached as Exhibit "C".

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

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

Not Applicable.

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

No change is proposed.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall

not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

No change is proposed.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 97-2.025(7), F.A.C.

No change is proposed.

SUBSTANTIAL DEVIATION DETERMINATION CHART

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

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hospitals	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acresage, including drainage, ROW easements, etc			
	# External Vehicle Trips			
N/A	D.O. conditions			
	ADA representations			
	Acresage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Building (gross square feet)	-0-	1,100,000	6/8/93
	# Employees			
Industrial	Chemical storage (barrels and lbs)			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
NO CHANGE				

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Mining Operations	Acreage mined (year)			
	Water Withdrawal (Gal/day)			
	Size of Mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External Vehicle Trips			
N/A	D.O. conditions			
	ADA representations			
	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)	-0-	3,550,000	6/8/93
	# Parking Spaces			
Office	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
NO CHANGE				

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.)			
	Distance to Navigable Waters (feet)			
	Site locational changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
N/A	D.O. conditions			
	ADA representations			
	# boats, wet storage			
	# boats, dry storage			
	Dredge and fill (cu. yds.)			
N/A	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
Ports (Marinas)	ADA representations			
	# boats, wet storage			
	# boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Residential	# dwelling units	1,364	0	6/8/93
	Type of dwelling units	Multi/Single Family	0	6/8/93
	# lots	N/A	N/A	
	Acreage, including drainage, ROW, easements, etc.	*1	*1	12/31/94
	Site locational changes	N/C	N/A	
	# External Vehicle Trips	N/A	N/A	
Wholesale, Retail, Service	D.O. conditions	*2	*2	*2
	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)	350,000	1,065,000	6/8/93
	# Parking Space			
	# Employees			
	Site locational changes			
NO CHANGE	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

*1 -- Residential acreage and acreage covered by DRI Development Order was reduced by .432 acres in 1994.

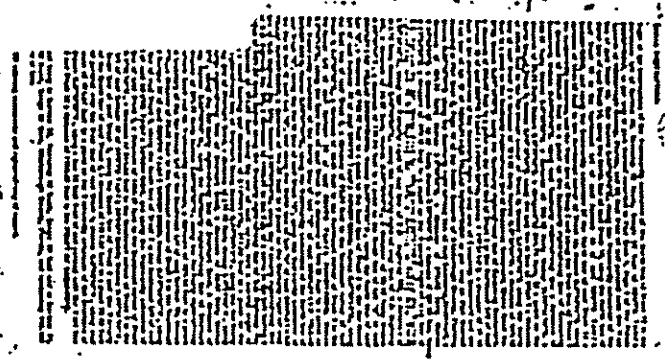
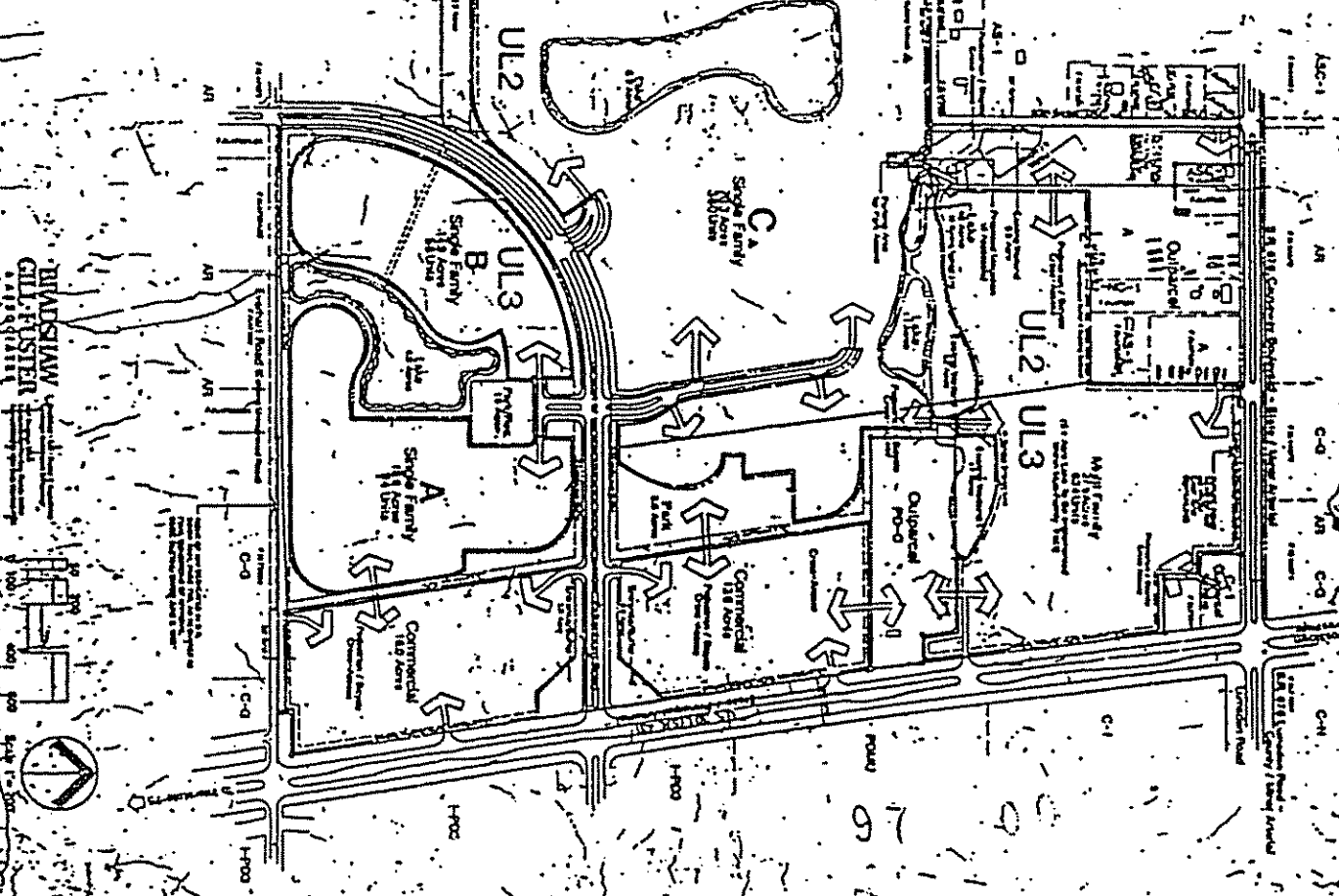
*2 -- Minor Development Condition changes proposed principally to reflect nature of project as residential mixed use to conform with current permitting rules. Most significant change is proposed delay in completing a portion of the Required Improvement. See Development Order language change requested. Developer has constructed all but the two inside lanes of the Required Improvement. All right-of-way required has been dedicated. The Required Improvement dead ends at the project's southern boundary per the Development Order.

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL, PLAN	PREVIOUS D.O. CHANGE + DATE
Hotel/Motel	# Rental Units	0	350	6/8/93
	Floor Space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
	Acreage, including drainage, ROW, easements, etc.			
R.V. Park	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
N/A				

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage			
	Site locational changes			
	Type of open space			
	D.O. conditions			
	ADA representations			
NO CHANGE	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. conditions			
	ADA representations			
NO CHANGE	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. conditions			
	ADA representations			

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



[illegible]

10/29/96

AMENDED DEVELOPMENT ORDER

Resolution No. _____

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

Upon motion by commissioner _____, seconded by
Commissioner _____, the following Resolution was adopted
by a vote of ____ to ____ Commissioner(s) _____, voting
"No."

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a non-residential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December

31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to Office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993 the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposes to remove from the DRI .432 acres of land; reduce the approved Multi-family acreage by .432 acres to reflect the acreage reduction; reduce the total project acreage to reflect the .432 acre reduction; modify the project Master Plan to reflect the .432 acre reduction; and

WHEREAS, on December 13, 1994 the Board of County Commissioners approved the Third Amendment (Resolution No. R94-0320) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on _____, 1996 Lennar Homes, Inc. filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Subsection 380.06(19), Florida Statutes, which proposed to extend the date within which to complete the pipeline improvement; deletion and modification of certain conditions to reflect consistency with environmental permits; delete transportation monitoring provisions found unnecessary; deletion of conditions found not applicable or unwarranted for the new residential mixed use development; revise Map H (the General Development Plan) to reflect minor changes to conform with environmental permits and detailed drainage calculations; and

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

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Fourth Amendment to the Development Order and has considered the changes proposed in the Notification of Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

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

I. FINDINGS OF FACT

- A. Lennar Homes, Inc., hereinafter referred to as "Developer," submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact which is attached hereto and marked "Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Notice of Proposed Change to a Previously Approved Development of Regional Impact and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Charles E. Cook, P.E., 1110 Douglas Avenue, Suite 3000, Altamonte Springs, Florida 32714.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved as amended by this development order 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, it is concluded that:
1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.
 4. The changes outlined herein do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of the Development Order, as amended.
- D. The Application for Development Approval and Notice of Proposed Change to a Previously Approved Development of Regional Impact are approved subject to all terms and conditions of this Amended Development Order.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Fourth Amendment to the Development Order of Hillsborough County in response to the Application for Development Approval and the Notice of Proposed Change to a Previously Approved Development of Regional Impact for The Pavilion Development of Regional Impact.

- B. The legal description set forth in Exhibit A and revised Map H are hereby incorporated into and by reference made a part of this Development Order.
- C. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- D. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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.
- E. 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.
- F. 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- G. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

- A. Section IV. B. 1. is deleted in its entirety as follows:

~~When Certificates of Occupancy have been issued for 70 percent of the Project (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak hour and daily traffic counts at the project entrance shall be instituted to verify that the number of external trips estimated in the ADA for the Project are not exceeded. Counts will continue on an annual basis through build out. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed volumes projected in the ADA for the Project by more than 15 percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Fla. Stats. If the exceedance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Fla. Stats. will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.~~

- B. Section IV. B. 3. c.(7) is hereby amended to read as follows:

"Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. In the event extension of Falkenburg Road has not been constructed by others from Pavilion's southern property line to Madison, the Developer may delay construction of the interior two lanes of the Required Improvements commencing west and south of the first residential pod entrance to Pavilion off of Falkenburg Road to the project's southern property line. The completion of the interior two lanes, as described herein, must be completed prior to the earlier of the following events: (1) within six (6) months of the completion of Falkenburg Road from the southern boundary of Pavilion to Madison

or (2) July 11, 2000. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance."

C. Sections IV. B. 6. b. and c. are hereby deleted in their entirety as follows:

~~b. Beginning with the first preliminary plat/preliminary site plan and continuing throughout buildout of the Project, the following analysis shall be provided with the submittal of the preliminary plat/preliminary site plan:~~

~~(1) An estimate of the vehicular traffic to be generated by the increment of development proposed for the coming year during the p.m. peak period;~~

~~(2) An estimate of the amount of traffic traveling to/from the new increment of development during the p.m. peak period, at each previously approved and proposed project access to U.S. 301, Causeway Boulevard, Faulkenburg Road or Brooker Road.~~

~~(3) An analysis pursuant to an agreed methodology of the operating condition at buildout and full occupancy of the new development increment and all previously approved development in the project for each access in B.6.b.(2) above where the~~

~~estimate of traffic to/from the new increment is equal to or greater than ten (10) percent of the total vehicular traffic generated by the new increment during the p.m. peak period.~~

~~Upon commencement of the annual monitoring program required by Section IV.B.1. of this order, the above analysis may be performed and submitted as part of the annual report.~~

- ~~e. The report shall be prepared consistent with accepted traffic engineering practices and a copy of approval of preliminary plat/preliminary site plans for increments of development in the coming year shall require a determination by Hillsborough County that such report demonstrates the ability of each project access in B.6.b.(2) above to accommodate the additional traffic of the new increment without causing the affected regionally significant roadways listed in B.6.b.(2) above to operate at below (worse than) the minimum acceptable level of service standard for such roadways as are established in the Capital Improvements Element of the adopted comprehensive plan of Hillsborough County.~~

D. Section IV. F. 2. a.(2) is deleted in its entirety as follows:

- ~~(2) No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in conservation areas as identified on the General Site Development Plan submitted to Hillsborough County. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be required semiannually in selected wetlands beginning immediately and continuing for three years following build out of the subbasin surrounding each wetland monitored. The monitoring sites shall be selected in cooperation with Hillsborough County, SWFWMD, FDER and TBRPC. Should conservation areas be stressed due to project development~~

~~activities, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.~~

- E. Section IV. F. 2. a. 5. is hereby amended to read as follows:

"All mitigation areas and littoral shelves shall be monitored twice yearly for a period of ~~four~~ three years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years."

- F. Section IV. I. is hereby deleted in its entirety as follows:

~~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 that safe and orderly evacuation of residents and employees when a Level E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of the hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.~~

- G. Section IV. J. 2. is hereby deleted in its entirety and in its place inserted the following:

~~2. A report on the use of the energy conservation measures referenced on page 25-4 of the ADA and other recommended energy conservation measures shall be included in each annual report.~~

"The Developer shall encourage the use of energy conservation measures in the residential and commercial development constructed on site."

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

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

WITNESS my hand and official seal this _____ day of _____, 1996.

RICHARD AKE, CLERK

By: _____
Approved as to legal form
and sufficiency

Deputy Clerk

By: _____
County Attorney's Office

EXHIBIT "B"

A F F I D A V I T

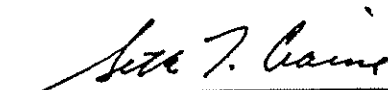
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared SETH T. CRAINE, as attorney for LENNAR HOMES, INC., the applicant for the Pavilion DRI Notice of Proposed Change No. 4, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. LENNAR HOMES, INC. filed its Notice of Proposed Change No. 4 for the Pavilion DRI on December 20, 1996.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



SETH T. CRAINE
Attorney for LENNAR HOMES, INC.

SWORN TO and subscribed before me this 27th day of March, 1997.

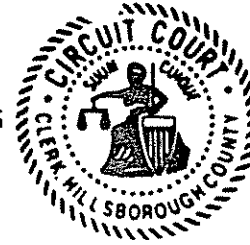


NOTARY PUBLIC
My Commission Expires:

w-hu/10997/004/affidavit



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

December 21, 1994

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

Re: Resolution No. R94-0320 - Amending the Development Order for
The Pavillion (DRI #148)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
December 13, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 

Linda Fryman
Manager, BOCC Records

LF:ADF

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Biff Craine, Esquire

Vincent A. Marchetti, Assistant County Attorney

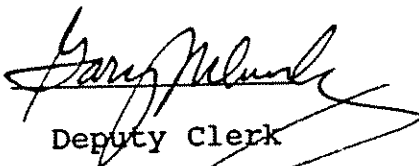
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution R94-0320 - Amending the Development Order for the Pavillion approved by the Board in its regular meeting of December 13, 1994, as the same appears of record in MINUTE BOOK 223 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of December, 1994.

RICHARD AKE, CLERK

By 
Deputy Clerk

6/8/93

AMENDED DEVELOPMENT ORDER

Resolution No. R94-0320

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

Upon motion by commissioner Turanchik, seconded by Commissioner Wilson, the following Resolution was adopted by a vote of 6 to 0 Commissioner(s) _____, voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a non-residential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December

31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to Office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

WHEREAS, on June 8, 1993 the Board of County Commissioners approved the Second Amendment (Resolution No. R93-0117) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on July 11, 1994 Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposes to remove from the DRI .432 acres of land; reduce the approved Multi-family acreage by .432 acres to reflect the acreage reduction; reduce the total project acreage to reflect the .432 acre reduction; modify the project Master Plan to reflect the .432 acre reduction; and

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

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Third Amendment to the Development Order and has considered the changes proposed in the Notification of Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 13th DAY OF December, 1994, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Lennar Homes, Inc., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact which is attached hereto and marked "Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Notice of Proposed Change to a Previously Approved Development of Regional Impact and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Wayne Von Dreele 1110 Douglas Avenue, Suite 3000, Altamonte Springs, Florida 32714.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved and as reduced by this amended development order 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, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.
 4. The changes outlined herein are a reduction in the land area of the development only and do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of this Amended Development Order.
 - D. The Application for Development Approval and Notice of Proposed Change to a Previously Approved Development of Regional Impact are approved subject to all terms and conditions of this Amended Development Order.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Third Amendment to the Development Order of Hillsborough County in response to the Application for Development Approval and the Notice of Proposed Change to a Previously Approved Development of Regional Impact for The Pavilion Development of Regional Impact.
- B. The legal description set forth in Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- D. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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.

- E. 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. 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- H. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

- A. The real property as described in Exhibit A of the Order is the property to which the Development Order Amendment applies and represents a reduction of the land area subject to the Development Order by approximately .432 acres.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is true and correct copy of a Resolution adopted by the Board at its regular meeting of December 13, 1994 as same appears of record in Minute Book 223 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of December, 1994.

RICHARD AKE, CLERK

By: _____
Approved as to legal form
and sufficiency

By: John Dwyer Wall
County Attorney's Office

Gary M. Munk
Deputy Clerk

W-LU/10997/004/DRI1482
6/8/93

Begin at the intersection of the Westwardly extension of the North line of Tract 12 in the Northeast 1/4 of Section 36, Township 29 South, Range 19 East of SOUTH TAMPA SUBDIVISION, as per map or plat thereof recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, and 30 feet West of and parallel with the West line of said Tract 12. Run thence S.89°53'18"E., along the Westwardly extension of the North line of said Tract 12, along the North line of said Tract 12, along the North line of said Tract 11 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Eastwardly extension of the North line of said Tract 11 a distance of 1348.63 feet to the Northwest corner of Tract 10; thence N.0°13'21"E. along the southwardly extension, and the West line of Tract 7 and along the West line of Tract 2 a distance of 1280.91 feet to a point on the Southerly right-of-way line of Causeway Boulevard; thence N.89°55'44"E. along said Southerly right-of-way line a distance of 150.00 feet; thence S.0°18'21"E. a distance of 261.48 feet; thence N.89°41'06"E. a distance of 95.11 feet; thence S.0°27'58"E. a distance of 344.75 feet, to a point on the North line of Tract 7; thence S.89°43'15"E. along the said North line of Tract 7 a distance of 400.25 feet to the Northwest corner of Tract 8; thence S.89°56'32"E. along the North line of said Tract 8 a distance of 424.92 feet; thence N.0°28'45"W. a distance of 609.13 feet to a point on the Southerly right-of-way line of Causeway Boulevard, (State Road No. 676); thence N.89°48'06"E. along the Southerly right-of-way line of Causeway Boulevard, a distance of 220.00 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°21'29"E. a distance of 41.56 feet to the intersection of the Southerly right-of-way line of Causeway Boulevard and the West line of lot 'D' of BOULEVARD VILLAS SUBDIVISION as per map on Plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida; thence N.89°53'30"E. along the Southerly right-of-way line of said Causeway Boulevard, a distance of 428.21 feet; thence S.0°05'30"E. a distance of 170.00 feet; thence N.89°53'30"E. a distance of 159.69 feet; thence South a distance of 76.81 feet; thence N.89°53'30"E. a distance of 151.31 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (State Road No. 43); thence S.08°17'00"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 762.59 feet; thence S.04°58'38"E., along the Westerly right-of-way line of U.S. Highway 301, a distance of 313.72 feet; thence S.08°06'54"E., along the Westerly right-of-way line of U.S. Highway 301, a distance of 18.87 feet; thence N.89°35'09"W., a distance of 99.10 feet; thence N.08°06'54"W., a distance of 131.54 feet to a point on the South line of Lot "G" or said BOULEVARD VILLAS SUBDIVISION; thence N.89°32'31"W., along the South line of said Lot "G", a distance of 793.72 feet to a point on the East line of Tract 8 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.0°26'18"E., along the East line of said Tract 8, a distance of 62.39 feet to the Southeast corner of said Tract 8; S.0°23'30"E., a distance of 30.01 feet to the Northeast corner of Tract 9 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.0°04'23"E., along the East line of said Tract 9, a distance of 265.93 feet to a point on the Westwardly extension of the North line of Lot "K" of said BOULEVARD VILLAS SUBDIVISION; thence S.89°57'05"E., along the Westwardly extension of the North line of said Tract "K", along the North line of said Tract "K", along the Eastwardly extension of the North line of said Lot "K", and along the North line of Lot "L" of said BOULEVARD VILLAS SUBDIVISION, a distance of 941.97 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301; thence S.08°06'54"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 1663.67 to the P.C. of a curve to the left having a radius of 5821.58 feet; thence along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 671.67 feet along the arc of said curve, thru a central angle of 06°36'38"; a chord bearing and distance of S.11°25'13"E., 671.30 feet to a point on the Northerly right-of-way line of Everhart Road; thence N.89°24'15"W., along the Northerly right-of-way line of Everhart Road, a distance of 177.73 feet; thence S.0°35'45"W., along the Northerly right-of-way line of Everhart Road, a distance of 25.00 feet; thence N.89°24'15"W., along the Northerly right-of-way line of Everhart Road, a distance of 459.13 feet; thence S.88°29'47"W., along the Northerly right-of-way line of Everhart Road, a distance of 325.77 feet; thence S.88°38'33"W., along the Northerly right-of-way line of Everhart Road and its Westwardly extension, a distance of 329.13 feet to a point on the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence S.86°59'56"W., a distance of 15.02 feet to the Southeast corner of Tract 8 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°54'51"W., along the South line of said Tract 8, along the South line of Tract 7 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Westwardly extension of the south line of said Tract 7, a distance of 1323.32 feet to the Southeast corner of Tract 6; thence N.0°01'54"W., a distance of 644.53 feet to the Southeast corner of Tract 3 in the Southeast 1/4 of said Section 36 of SOUTH TAMPA SUBDIVISION; thence N.89°54'53"W., along the South line of said Tract 3, along the South line of Tract 4 and the Westerly extension of the South line of said Tract 4, a distance of 1317.56 feet to a point 30.00 feet West of and parallel with the West line of said Tract 4; thence N.0°00'40"W., along said line a distance of 674.57 feet to a point on the Westwardly extension of the Southline of Tract 13; thence N.0°03'32"W., along a line 30 feet West of and parallel with the West line of Tract 13 and Tract 12 a distance of 1289.87 feet to the POINT OF BEGINNING.

EXHIBIT "A"

Page 1 of 2

Description Continued

LESS the following described Parcels numbered 2, 5 and 4

PARCEL 2:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the South right-of-way line of Causeway Boulevard and the West boundary of said Tract B; run thence N.89°53'30"E., along said South right-of-way line of Causeway Boulevard, a distance of 468.55 feet; thence S.00°05'30"E., a distance of 170.00 feet; thence N.89°53'30"E., a distance of 50.00 feet for a Point of Beginning; continue thence N.89°53'30"E., a distance of 35.00 feet; thence S.00°00'07"E., a distance of 125.00 feet; thence S.89°53'30"W., a distance of 35.00 feet; thence N.00°00'07"W., a distance of 125.00 feet to the Point of Beginning.

PARCEL 5:

A portion of Tract B of Boulevard Villas, as per map or plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida. Being more particularly described as follows:

For a point of reference commence at the intersection of the South right-of-way line of Causeway Boulevard, and the west boundary said Tract B, run thence N.89°53'30"E., along said South right-of-way line of Causeway Boulevard a distance of 468.55 feet; thence S.0°05'30"E., a distance of 170.00 feet; thence N.89°53'30"E., a distance of 159.48 feet; thence S.08°17'00"E., a distance of 77.00 feet for the Point of Beginning. Continue thence S.08°17'00"E., a distance of 60.70 feet to a point on the South line of said Tract "B"; thence N.89°53'30"E., along the South line of said Tract "B", a distance of 100.00 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (S.R. No. 43); thence N.08°17'00"W., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 60. feet; thence S.89°53'30"W., a distance of 100.00 feet to the Point of Beginning.

PARCEL 4:

A parcel of land being a portion of Tract B, as shown on the plat of BOULEVARD VILLAS, as recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commence at the intersection of the South right-of-way line of Causeway Boulevard per County Commission Minute Book 2, Page 458, Hillsborough County Records, and the Westerly line of said Tract B; thence N 89°53'30" E, along said South right-of-way line, for 468.55 feet; thence S 0°05'30" E for 170.00 feet; thence N 89°53'30" E for 85.00 feet to the POINT OF BEGINNING; thence continue N 89°53'30" E for 34.35 feet; thence SOUTH for 76.81 feet; thence N 89°53'30" E for 51.31 feet; thence S 8°17'00" E for 60.70 feet to a point on the South line of said Tract B; thence S 89°53'30" W, along said South line, for 129.40 feet; thence N 0°00'07" W for 11.89 feet; thence N 89°53'30" E for 35.00 feet; thence N 0°00'07" W for 125.00 feet to the POINT OF BEGINNING.

SUBJECT TO existing easements and rights-of-way of record.

A F F I D A V I T

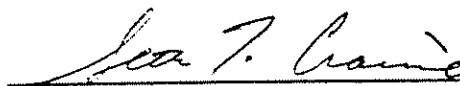
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared SETH T. CRAINE, as attorney for LENNAR HOMES, INC., the applicant for the Pavilion DRI Notice of Proposed Change No. 3, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. LENNAR HOMES, INC. filed its Notice of Proposed Change No. 3 for the Pavilion DRI on July 11, 1994.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



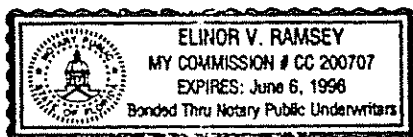
SETH T. CRAINE
Attorney for LENNAR HOMES, INC.

SWORN TO and subscribed before me this 15th day of December, 1994.

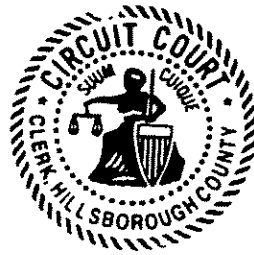


NOTARY PUBLIC
My Commission Expires:

w-hu/10997/004/affidavit



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

August 4, 1993

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

Re: Resolution No. R93-0117 - Amending the Development Order for the
Pavilion (DRI #148)

Dear Ms. Cooper:

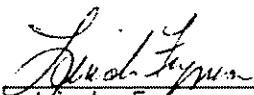
Attached is a certified copy of the above-referenced resolution, which
was adopted by the Hillsborough County Board of County Commissioners on
June 8, 1993.

This copy corrects a scrivener's error on Page 4 of Table 2 and includes
Attachment 1, which was inadvertently omitted from the copy which was
transmitted to you on July 7, 1993.

We are providing a copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 
Linda Fryman
Manager, BOCC Records

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Seth T. Craine, Esquire -

Stearns, Weaver, Miller, Weissler, Alhadeff, & Sitterson, P.A.

Jeanie E. Hanna, Assistant County Attorney

Gene Boles, Director, Planning and Development Management

Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R93-0117 Amending the Development Order for the
Pavilion (DRI #148)

approved by the Board in its _____ regular meeting
of _____ June 8 _____, 1993, as the same
appears of record in MINUTE BOOK _____ 205 _____ of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th
day of August, 1993.

RICHARD AKE, CLERK

By: _____

Shirley L. Lipp
Deputy Clerk

AMENDED DEVELOPMENT ORDER

Resolution No. R93-0117

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

Upon motion by commissioner J. Platt, seconded by Commissioner S. Kimbell, the following Resolution was adopted by a vote of 5 to 0 Commissioner(s) _____, voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, which proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, on July 11, 1989, The Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed an extension of Phase I commencement and buildout date as defined in the Notification of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; and

WHEREAS, on September 8, 1992, The Board of County Commissioners approved the First Amendment to the Development Order (Resolution No. R92-0217) for THE PAVILION Development of Regional Impact ("DRI") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on March 5, 1993, Lennar Homes, Inc. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06 (19), Florida Statutes, which proposed conversion of the project from a non-residential multi-use project to a low and moderate income mixed-use residential development which would include 350,000 g.s.f. of retail, and 1364 residential units (approximately 884 multi-family and 480 single family units); modification of the equivalency matrix to include residential uses; an extension of project buildout to December 31, 2003; extension of the expiration date to July 11, 2008; extension of the date to which the local government agrees not to subject changes in the project to down-zoning or density reduction to July 11, 2008; deletion of all references to project phasing; deletion of all conditions related to Office, Hotel and Research Corporate Park uses; deletion of all conditions requiring study of impact of development on affordable housing; deletion of developer commitments related to non-residential developments at high intensity; and

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

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 the

Proposed Changes and to amend Development Orders for Developments of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has held a duly noticed public hearing on the Proposed Second Amendment to the Development Order and has considered the changes proposed in the Notification of Change, as well as all related testimony and evidence submitted by the Developer and members of the general public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 8TH DAY OF JUNE, 1993, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Lennar Homes, Inc., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, a Notice of Proposed Change to a Previously Approved Development of Regional Impact which is attached hereto and marked "Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Notice of Proposed Change to a Previously Approved Development of Regional Impact and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Exhibit A.
- C. The authorized representative of the Developer is Wayne Von Dreele, 1110 Douglas Avenue, Suite 3000, Altamonte Springs, Florida 32714.
- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. A comprehensive review of the impact generated by the development as approved and as reduced by this amended development order 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.
- G. Pursuant to Chapter 380.06(5)(c), the Developer elects to be bound by the rules adopted pursuant to Chapter 403 and 373 in effect at the time of issuance of this Amended Development Order.
- H. The costs of the required road improvements listed in Option 3 of the Parkway Center Development Order, Resolution No. 87-0334 are substantially greater than the amount of the Parkway Center proportionate share amount. According to the terms of the Parkway Center Development Order, the County may assist Parkway Center in funding the required road improvements. The County is providing such assistance to Parkway Center by allowing a portion of the required road improvements in Option 3 of the Parkway Center Development Order to be included as Option 3 traffic

mitigation alternatives for the Developer of the Pavilion DRI. Such assistance by the County is contemplated under the terms of the Parkway Center Development Order and as such no amendment to the Parkway Center Development Order is necessitated by providing such assistance.

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, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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.
 - 4. The changes to the previously approved development order issued on July 11, 1989, and amended September 8, 1992, outlined herein are a reduction in the density and intensity of development and do not constitute a substantial deviation.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, by the terms and conditions of this Amended Development Order.
- D. The Application for Development Approval and Notice of Proposed Change to a Previously Approved Development of Regional Impact are approved subject to all terms and conditions of this Amended Development Order.
- E. The Land Use Plan Map for Hillsborough County designates the area within which the Project lies as UL3 and UL2.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval and the Notice of Proposed Change to a Previously Approved Development of Regional Impact for The Pavilion Development of Regional Impact.
- B. The legal description set forth in Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses marked "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.

- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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 governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments 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 The Pavilion, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, 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 as defined by the criteria of Chapter 380.06(19)(b) 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 Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, and may result in Hillsborough County ordering a termination of such development activity pending such review except as otherwise provided herein, or by law.
- 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 and a copy of said findings to TBRPC for their information. In

the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

- K. The Development shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85 as amended. 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 Planning and Development Management Department which 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. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. 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(es) of any heir, assignee or successor in interest to this Development Order.
 5. A statement describing how the Development has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- 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 except as otherwise provided herein, or by law.
- M. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The development of the project shall proceed in accordance with the following proposed schedule:

Years	Residential Units	Retail (g.s.f.)
(1993-2003)*	1364	350,000

* Project buildout extended by four years from original project buildout date.

2. The Developer may decrease retail square footage and simultaneously increase the number of residential units pursuant to the formula represented in the equivalency matrix set forth on Exhibit "B". The Developer shall give notice to the Florida Department of Community Affairs and TBRPC of all land use conversions utilizing the Equivalency Matrix in each annual report following such conversion(s).
3. This Development Order shall remain in effect for a period up to and including July 11, 2008. No development authorized under this Development Order shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty days prior to the expiration date of this Order.
4. The development shall not be subject to down-zoning, or intensity reduction until July 11, 2008, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
5. The deadline for commencing physical development at the project site shall be July 25, 1995. For purposes of this paragraph, "physical development" shall mean commencement of site preparation and horizontal infrastructure.

B. Transportation

1. When Certificates of Occupancy have been issued for 70 percent of the Project (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour and daily-traffic counts at the project entrance shall be instituted to verify that the number of external trips estimated in the ADA for the Project are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If

the annual report indicates that the total trips exceed volumes projected in the ADA for the Project by more than 15 percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Fla. Stats. If the exceedance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Fla. Stats. will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

2. The developer shall conform to the six stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits and shall monitor them with each annual report.
 - a. Access and internal road geometrics in non-residential areas shall accommodate a ninety-six (96) inch wide by forty (40) feet long advance design coach.
 - b. The Developer shall provide shelters and pull-out bays along the on-site transit route. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.
 - c. Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop.
 - d. Maintenance of transit amenities shall be the responsibility of the property owner.
 - e. Details, standards and phasing of all transit amenity provisions must be approved by the Hillsborough Area Regional Transit Authority.
 - f. The developer shall make a good faith effort (documented) to inform potential tenants (leasee) of HART's employer sponsored bus pass program and merchant discounts for HARTline patrons.
3. The Developer, at his option, shall mitigate the impacts of the Project on the regionally significant roadway system through one or a combination of the options set forth below. Compliance with the provisions of any of the options described below has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC). No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved.
 - a. Option 1: Funding Commitment
 - (1) Approval of the development shall require funding commitments from the responsible entities for the roadway improvements listed in Transportation Tables 1 and 2. Without

funding commitments for these improvements, construction permits shall not be issued.

- (2) Alternatively, if funding commitments have been made for specific regional roadway improvements, the Developer may sub-phase the project. Specific amounts of project development will then be approved if the following conditions exist:

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.

(b) Funding commitments for roadway improvements shall be required when the regional roadway operates below LOS D at peak hour and the development contributes 5 percent or more of LOS D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.

(c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring shall also be required in this instance.

b. Option 2:

- (1) In the event that commitments for transportation improvements are only adequate to permit partial approval of the Pavilion development, the capacity and loading of transportation facilities in the south Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO"), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, as amended, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a peak hour Level of Service D (C peak rural). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, beyond the initial partial approval set forth in B.3.b.(2) below, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above a peak hour Level of Service D (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below a Level of Service D (C peak rural) at peak hour.
- (2) Under this Option the Developer may construct up to 286,800 square feet of retail space or 150 residential dwelling units (or a combination of uses not to exceed the trip generation of 286,800 square feet of retail space or 150 residential dwelling units) with site access to/from U.S. 301 without demonstrating funding commitments for roadway improvements other than such improvements as may be necessary for obtaining permits for project driveways onto U.S. 301 pursuant to applicable FDOT permitting requirements. The uses specified above have been determined to not cause impacts at other locations on the regional transportation network which warrant mitigation pursuant to TBRPC policy. Construction of said uses may proceed prior to the Developer's election to mitigate transportation impacts under Option 3 below.

<p>Table 1 Required Link Improvements for the Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes</p>				
Road	Segment	Total Traffic LOS Prior to Improve	Devel. Contrib (%)	Required Improvement
Causeway Blvd. Lumsden Avenue	78th Street to Project Drive E	F	14.6	Construct 4-lane Divided Arterial
Causeway Blvd.- Lumsden Avenue	Project Drive E to U.S. 301	F	14.6	Construct 6-lane Divided Arterial
Faulkenburg Road	Crosstown Exp. to Lumsden Ave.	F	22.5	Construct 6-lane Capacity Enhanced Divided Arterial
Faulkenburg Road	Lumsden Avenue to U.S. 301	N/A	28.7	Construct 4-lane Divided Arterial
Faulkenburg Road	Pavilion Road to Brooker Road	N/A	28.7	Construct 4-lane Divided Arterial
Lakewood Drive	SR 60 to Lumsden Avenue	F	7.3	Construct 4-lane Divided Arterial
U.S. 301	Causeway Blvd Project Drive A	F	13.0	Widen to 6-lane Divided Arterial
U.S. 301	Project Drive A to Project Drive B	E	6.22	Widen to 6-lane Divided Arterial

N/A: Not constructed at time of analysis

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
Buffalo Avenue at U.S. 301	E	8.4	Construct third through lane and second left-turn lane NB and SB. Construct second through lane EB and WP.
Buffalo Avenue at Parsons Ave	E	5.3	Construct second left-turn lane NB and one right-turn lane SB. Construct second through lane EB and convert right-turn lane to through-right turn lane WB.
SR 60 at Lakewood Drive	E	16.0	Construct second through lane and left-turn lane NB and SB. Construct third through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Kings Avenue	E	11.7	Construct second through lane NB and SB. Construct second left-turn lane and one right-turn lane NB. Construct third and fourth through lane EB. Construct third through lane and convert right-turn lane to through-right turn lane WB.
SR 60 at Parsons Avenue	E	48.9	Construct second through lane NB and SB and third through lane EB and WB. Construct second left-turn lane SB.
SR 60 at Bryan-Kingsway Road	E	7.1	Construct right-turn lane NB. Convert right-turn lane to through right-turn lane EB. Construct second left-turn lane EB and third through lane WB.

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
SR 60 at Mud Lake Road	E	8.8	Signalize when warranted by MUTCD.
U.S. 41 at Palm River Rd	E	6.4	Construct second left-turn lane SB.
Palm River Rd at 78th St	E	47.5	Construct left-turn lane EB and WB. Construct right-turn lane EB.
U.S. 41 at Causeway Blvd.	E	23.3	Construct second left-turn lane NB and second right-turn lane EB.
Causeway Blvd at 78th Street	E	17.9	Construct second through lane and one left-turn lane and convert through-right-turn lane to right-turn lane NB. Construct second left-turn lane and one right-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second through lane and left-turn lane EB and WB.
Causeway Blvd at North Entrance	N/A	N/A	Construct two-left turn lanes and one right-turn lane NB. Construct third through lane and one right-turn lane EB. Construct third through lane and two left-turn lanes WB. Signalize when warranted by MUTCD.

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
Lumsden Avenue at U.S. 301	E	100.00	Construct third through lane and second left-turn lane NB and SB. Convert right-turn lane to through-right-turn lane SB. Construct third through lane, second left-turn lane, and one right-turn lane EB. Construct third through lane and second left-turn lane WB.
Lumsden Avenue at Faulkenburg Road	E	25.4	Construct second through lane and one right-turn lane NB. Construct second through lane and one left-turn lane SB. Convert left-through lane to left-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second left-turn lane and one through-right-turn lane EB. Construct third through lane and second left-turn lane and convert right-turn lane to through-right-turn lane.
Lumsden Avenue at Providence Rd.	E	54.3	Construct second through lane and two left-turn lanes NB and SB. Construct third through lane and second left-turn lane. EB Construct third through lane and convert right-turn lane to through-right-turn lane WB.
Lumsden Avenue at Kings Avenue	E	23.6	Construct second left-turn lane NB. Construct second through lane and convert right-turn lane to through-right-turn lane EB and WB.

Phase I (1992) Required Intersection Improvements for The Pavilion Based on 5 Percent of LOS D Peak-Hour Service Volumes			
Table 2			
Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
Lumsden Avenue at John Moore Road	E	72.6	Construct second through lane NB and SB. Construct second and third through lanes and one left-turn lane EB and WB.
Lumsden Avenue at Bryan-Kingsway Ed.	E	52.6	Construct left-turn lane NB, SB, EB and WB. Construct second through lane EB and WB.
U.S. 301 at Project Dr. A	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. B	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. C	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
U.S. 301 at Faulkenburg Road	N/A	40.6	Construct two left-turn lanes NB. Construct left-turn lane and right-turn lane SB. Construct two left-turn lanes, two through lanes and one right-turn lane EB. Construct two through lanes and one right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Project Dr. D	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Brooker Road	N/A	53.5	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane, second through lane, and right-turn lane EB. Signalize when warranted by MUTCD.
Faulkenburg Road at Brooker Road	N/A	22.4	Construct two through lanes and right-turn lane NB and SB. Construct left-turn lane SB and left-through lane EB. Construct two left-turn lanes and through-right-turn lane WB. Signalize when warranted by MUTCD.
Lumsden Avenue at Lithia Road	E	34.6	Construct second through lane NB and convert right-turn lane to through-right-turn lane SB. Construct right-turn lane EB.

<div> <div>Phase I (1992) Required Intersection Improvements for The Pavillion</div> <div>Based on 5 Percent of LOS D Peak-Hour Service Volumes</div> </div>			
Intersection	Total Traffic LOS Prior to Improve.	Development Contribution (%)	Required Improvement
Bloomingtondale Ave at US 301	E	36.9	Construct second left-turn lane SB.
Bloomingtondale Ave at Providence Rd	E	20.3	Construct right-turn lane NB. Construct second through lane EB and WB.
Bloomingtondale Avenue at Kings Ave	E	10.4	Construct second through lane EB and convert right-turn lane to through-right-turn lane WB.
Bloomingtondale Ave at John Moore Rd	E	7.5	Construct right-turn lane EB.
Bloomingtondale Ave at Bryan-Kingsway Rd	E	6.0	Construct left-turn lane EB.
U.S. 301 at Riverview Rd.	E	41.8	Convert right-turn lane to through-right-turn lane NB. Construct second through lane SB.

N/A: Not constructed at time of analysis

c. Option 3: Transportation Impact Mitigation:

In lieu of or in conjunction with the election of Option 1 or 2 above, the Developer may elect Option 3 as set out below by informing the County of such election with copies to TBRPC within ninety (90) days of the Development Order becoming non-appealable. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the Project on regionally significant transportation highway facilities within the primary impact area. The selection of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) Subject to the other provisions of this Option 3, the Developer shall complete design, acquire needed right-of-way, including land needed for related stormwater facilities, and construct the extension of Faulkenburg Road from its proposed intersection with U.S. Highway 301 west and south to an intersection with Brooker Road. The Developer shall design and construct Faulkenburg Road as a four lane divided urban section.
- (2) The design work required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Design", and the cost or value of right-of-way and improvements required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Improvements". The cost of the Required Design and the Required Improvements shall be referred to herein as the "Required Improvements Costs."
- (3) The Developer shall initiate the Required Design within thirty (30) days of the election of this option. Subject to acts of God or other occurrences beyond Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before June 15, 1994. Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County. The Developer will bear any additional costs caused by the extension in the construction of the Required Improvements.
- (4) Within three (3) months after the completion of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs,

Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit against future transportation and right-of-way impact fees which may be assessed against the Project.

- (5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects. Approval shall be in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The Required Design period shall not include review by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion. The County and FDOT review periods shall not exceed thirty (30) days.
- (6) The Developer shall expeditiously seek final approval of road alignments for all appropriate agencies. Once road alignments for the Required Improvements have been finalized with all appropriate agencies to the extent necessary to identify all needed right-of-way as defined in the Pavilion zoning conditions, which would occur on the land identified in Exhibit "A", the Developer will provide such right-of-way to the County upon request and in exchange for appropriate credit against satisfaction of the proportionate share amount or impact fees whichever is applicable.
- (7) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance.

- (8) The Developer's Proportionate Share for Phase I the development has been calculated to be \$4,430,769. Under the reduction of the project approved June 8, 1993, the Proportionate Share for the development has been calculated to be \$1,856,785. Said Proportionate Share has been calculated based on the formula set forth in Rule 9J-2.0255, F.A.C. as interpreted by policies of the Florida Department of Community Affairs, TBRPC, FDOT and Hillsborough County. In no event shall the Developer be required to make dedications, contributions and/or funding commitments for purposes of mitigating regionally significant impacts of which exceed the total Proportionate Share set forth above.
- (9) In lieu of the requirements under paragraphs B.3.c.(1)-(7) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order is estimated to be \$2,299,495 in 1993 dollars, (the "Required Improvements Costs"). If the Developer has completed any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's proportionate share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein. If the County accepts payments under this section, it shall use such monies to expeditiously complete the Required Design and/or the Required Improvements and no further building permits shall be issued until the Required Improvements are complete.
- (10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements. Upon such failure, the Developer shall turn over to the County all design plans, maps, permit applications and any other materials produced which would assist the County in completing the Required Design or construction of the Required Improvements.
- (11) If the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein are not provided in substantial compliance with the requirements of this option, development

activities and issuance of permits under this option shall immediately cease unless otherwise permitted to continue by Hillsborough County with the concurrence of TBRPC.

4. Pursuant to law, the Developer shall receive credit for all transportation mitigation expenditures against future transportation and right-of-way impact fees. The application and payment of transportation and right-of-way impact fees in itself does not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Proportionate Share Amount and the sum of the costs of the Required Design and the Required Improvements shall be paid in cash prior to the issuance of the final Certificate of Occupancy for the Project. Should the difference be substantial the developer may elect to make other improvements of an equivalent value, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference, shall be deemed to fully and completely satisfy any and all of its obligations under Chapter 380.06, Florida Statutes, to mitigate the traffic impacts of the Pavilion project.
5. A pedestrian circulation system and a bicycle circulation system consistent with applicable standards of the I-75 Corridor shall be provided within the project.
6. Site Access to public streets shall be determined on the following basis:
 - a. The location and design of all project driveways providing access to/from U.S. Highway 301 or Causeway Boulevard shall be subject to approvals pursuant to applicable permitting requirements of the Florida Department of Transportation (FDOT) and the approved General Site Plan. The location and design of driveways providing access to/from all public streets in or adjacent to the project site shall be subject to Hillsborough County review and approval in conjunction with preliminary plat/preliminary site plan approvals for individual development tracts.
 - b. Beginning with the first preliminary plat/preliminary site plan and continuing throughout buildout of the Project, the following analysis shall be provided with the submittal of the preliminary plat/preliminary site plan:
 - (1) An estimate of the vehicular traffic to be generated by the increment of development proposed for the coming year during the p.m. peak period;
 - (2) An estimate of the amount of traffic traveling to/from the new increment of development during the p.m. peak period, at each previously approved and proposed project access to U.S. 301, Causeway Boulevard, Faulkenburg Road or Brooker Road.
 - (3) An analysis pursuant to an agreed methodology of the operating condition at buildout and full occupancy of the new

development increment and all previously approved development in the project for each access in B.6.b.(2) above where the estimate of traffic to/from the new increment is equal to or greater than ten (10) percent of the total vehicular traffic generated by the new increment during the p.m. peak period.

Upon commencement of the annual monitoring program required by Section IV.B.1. of this order, the above analysis may be performed and submitted as part of the annual report.

- c. The report shall be prepared consistent with accepted traffic engineering practices and a copy of approval of preliminary plat/preliminary site plans for increments of development in the coming year shall require a determination by Hillsborough County that such report demonstrates the ability of each project access in B.6.b.(2) above to accommodate the additional traffic of the new increment without causing the affected regionally significant roadways listed in B.6.b.(2) above to operate at below (worse than) the minimum acceptable level of service standard for such roadways as are established in the Capital Improvements Element of the adopted comprehensive plan of Hillsborough County.

C. Air Quality/Wind and Water Erosion

1. The Developer shall undertake the measures referenced on page 13-5 and 13-6 of the ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during development.
2. The applicant shall provide an air quality impact analysis of the Project consistent with the Florida Department of Environmental Regulation (FDER) guidelines, and subject to review by FDER, the Hillsborough County Environmental Protection (HCEPC) and TBRPC prior to the issuance of building permits for the project. Any exceedances of ambient air quality standards due to the adverse impacts of the Project shown in the analysis shall be mitigated prior to the issuance of building permits for the amount of development which triggers the exceedance. Proposed mitigation measures shall be submitted to FDER, HCEPC and TBRPC for review and comment. Required mitigation measures shall be established by amendment to the Development Order. In August 1992, the Developer demonstrated to the satisfaction of TBRPC, the Florida Department of Environmental Regulation ("FDER"), the Environmental Protection Commission ("EPC") and the County that Phase I (1997) would cause no exceedances of ambient air quality standards. Thus, no air quality mitigating measures are required for the project.
3. The applicant shall notify all tenants of their responsibility to comply with all of the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
4. Hillsborough County shall reserve the right to require mitigation measures to alleviate any adverse impacts of the project on ambient air quality.

D. Soils

1. The methods discussed on page 14-1 of the ADA to overcome problems associated with the particular soil types occurring on-site shall be implemented.
2. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-5 and 14-6 of the ADA, at minimum, shall be implemented.

E. Stormwater Management and Water Quality

1. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits the Master Stormwater Management Plan and supporting calculations shall be submitted to TBRPC and FDER for review and to Hillsborough County and SWFWMD for approval. The Development's stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The appropriate Hillsborough County stormwater drainage system drainage criteria to be used is that which is in effect at the time of submittal and review of construction plans for the project.
2. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40-D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. All necessary drainage and access easements shall be donated to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel must be fully executed and recorded prior to certificates of occupancy.
4. The Developer shall operate and maintain all on-site stormwater management facilities for the Development unless otherwise required or requested by the County.
5. In order to protect water quality the Developer shall implement Best Management Practices as recommended by the County and SWFWMD, including a street cleaning program for the parking and private roadway areas within the development.
6. In order to protect water quality there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to ground-breaking or subject to buildout, the Developer shall provide a surface water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by FDER. The following shall apply.
 - a. Sampling locations and frequencies shall be determined in cooperation with Hillsborough County, FDER and SWFWMD.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and

shall comply with EPA/FDER Quality Control Standards and Requirements.

- c. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, all construction within the subbasins where the violation is noted shall cease until the violation is corrected, or if specific construction activities can be identified as causing the violation, all such activity responsible for the exceedance shall cease until the violation is corrected.

7. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

F. Environmental and Natural Resources

1. Areas illustrated as "Conservation" on the zoning General Site Development Plan denote the general location and extent of areas which include certain wetlands that meet the definition of conservation areas in Section 10.3.1 of the TBRPC adopted growth policy, Future of the Region. The specific location and extent of such conservation areas shall correspond to those areas that fall within the jurisdiction of one or more of the agencies having authority to regulate development activity for purposes of protecting wetland resources. Alterations or removal within such areas shall be subject to applicable regulations of these agencies.
2. In order to protect the natural values of conserved wetland areas, the following shall be required:
 - a. Except as otherwise permitted by agencies having jurisdiction:
 - (1) A wetland/lake management plan shall be submitted to Hillsborough County and TBRPC for review and to FDER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be conserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.
 - (2) No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in conservation areas as identified on the General Site Development Plan submitted to Hillsborough County. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be required semiannually in selected wetlands beginning immediately and continuing for three years following build-out of the subbasin surrounding each wetland monitored. The monitoring sites shall be selected in cooperation with Hillsborough County, SWFWMD, FDER and TBRPC. Should conservation areas be stressed due to project development activities, development activity shall cease

until remedial measures have been taken to correct the hydroperiod imbalance.

3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed unless otherwise approved by agencies having jurisdiction.
4. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.
5. All mitigation areas and littoral shelves shall be monitored twice yearly for a period of four years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years.
6. Nothing herein shall be construed to interfere with the ability of the Developer to perform any construction, modification or alteration activities contained in any consent order entered into by the Developer and any appropriate regulatory agency.
7. A representative tract of mesic oak hammock and hydric oak hammock, as listed on page 18-1 of the ADA, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.
8. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
9. There shall be no net loss of hydrologic storage capacity in the 100-year flood plain.

G. Public Facilities

1. Water-saving devices shall be required in the project (as mandated by the Florida Water Conservation Act Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping wherever feasible.
2. Prior to preliminary plat/preliminary site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan are options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/equipment required to serve the project are available.
3. The Developer shall be required to utilize public water, and public sewer and shall pay all required costs to connect for service delivery. The Developer shall submit to the County Planning and Development Management Department prior to the issuance of Zoning Compliance Permits, evidence of a current commitment

from the City of Tampa Department of Water and Wastewater Utilities to provide public water and public sewer services, and evidence of agreement to pay necessary costs and to meet any other terms of the commitment such as depicted easements to enable the City to provide public water and public sewer service delivery.

4. Prior to issuance of preliminary plat/preliminary site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Medical Services capabilities and facilities are available to service the development.
5. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
6. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.
7. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

H. Hazardous Waste

1. Large quantity generators of hazardous substances shall implement a site-specific surficial aquifer monitoring program as required by FDER, EPC and Hillsborough County. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle such quantities of hazardous wastes, to minimize hazards to human health and the environment. Such plan shall describe the procedure and actions required of facility personnel, as well as describe the necessary arrangements agreed to by local EMS, fire, police departments and hospitals and shall be included in the first annual report following occupancy of such use within the park.
2. All temporary hazardous waste storage facilities shall meet the criteria set forth in applicable federal, state and local regulations.
3. Hazardous waste storage areas within the project shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials.
4. The Developer shall develop a program for the commercial portion of the project which will emphasize the education of tenants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials, and inform potential tenants of applicable state and federal regulations and tenants' responsibilities in complying with such regulations.
5. All Pavilion owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

I. Hurricane Evacuation

1. 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 that safe and orderly evacuation of residents and employees when a Level E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of the hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.

J. Energy Conservation

1. All Pavilion tenants, businesses, residents, etc. shall be encouraged to:
 - a. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. obtain energy audits provided by energy companies or other qualified agencies;
 - c. install water heaters timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. use landscaping and building orientation to reduce heat gain, where feasible, for all Pavilion construction;
 - e. promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - f. reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. institute and utilize recycling programs;
 - h. utilize energy efficient packaging and/or recyclable materials; and
 - i. install total energy systems on large facilities when cost effective.
2. A report on the use of the energy conservation measures referenced on page 25-4 of the ADA and other recommended energy conservation measures shall be included in each annual report.

K. Equal Opportunity

1. The Developer shall encourage all contractors and subcontractors to involve minority groups in the development of the project. All commercial establishment areas shall be available to all, on a fair and impartial basis.

L. Historical or Archaeological Resources

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and

the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

M. General

1. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is true and correct copy of a Resolution adopted by the Board at its regular meeting of June 8, 1993 as same appears of record in Minute Book 205 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7TH day of JULY, 1993.

RICHARD AKE, CLERK

By: _____
Approved as to legal form
and sufficiency

By: Deanne Esthane
County Attorney's Office

Harry M. Munk
Deputy Clerk

W-LU/10997/002/DR11-481
6/8/93

LEGAL DESCRIPTION:

Begin at the intersection of the Westwardly extension of the North line of Tract 12 in the Northeast 1/4 of Section 36, Township 29 South, Range 19 East of SOUTH TAMPA SUBDIVISION, as per map or plat thereof recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, and a line 30 feet West of and parallel with the West line of said Tract 12. Run thence S.89°53'18"E., along the Westwardly extension of the North line of said Tract 12, along the North line of said Tract 12, along the North line of said Tract 11 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Eastwardly extension of the North line of said Tract 11 a distance of 1348.63 feet to the Northwest corner of Tract 10; thence N.00°18'21"W., along the southwardly extension and the West line of Tract 7 and along the West line of Tract 2 a distance of 1280.91 feet to a point on the Southerly right-of-way line of Causeway Boulevard; thence N.89°55'44"E., along said Southerly right-of-way line a distance of 150.00 feet; thence S.00°18'21"E., a distance of 261.48 feet; thence N.89°41'06"E., a distance of 95.11 feet; thence S.00°27'58"E., a distance of 344.75 feet, to a point on the North line of Tract 7; thence S.89°43'15"E., along said North line of Tract 7 a distance of 400.26 feet to the Northwest corner of Tract 8; thence S.89°56'32"E., along the North line of said Tract 8 a distance of 424.92 feet; thence N.00°28'05"W., a distance of 609.13 feet to a point on the Southerly right-of-way line of Causeway Boulevard, (State Road No. 676); thence N.89°48'06"E., along the Southerly right-of-way line of Causeway Boulevard, a distance of 220.00 feet to a point on the East line of Tract 1 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°21'29"E., a distance of 41.56 feet to the intersection of the Southerly right-of-way line of Causeway Boulevard and the West line of Lot "B" of BOULEVARD VILLAS SUBDIVISION as per map or plat thereof recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida; thence N.89°53'30"E., along the Southerly right-of-way line of said Causeway Boulevard, a distance of 428.21 feet; thence S.00°05'30"E., a distance of 170.00 feet; thence N.89°53'30"E., a distance of 159.69 feet; thence South a distance of 76.81 feet; thence N.89°53'30"E., a distance of 151.21 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301, (State Road No. 43); thence S.08°17'00"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 762.59 feet; thence S.04°58'38"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 213.72 feet; thence S.08°06'54"E., along the Westerly right-of-way line of U.S. Highway 301, a distance of 18.87 feet; thence N.89°25'09"W., a distance of 99.10 feet; thence N.08°06'54"W., a distance of 131.54 feet to a point on the South line of Lot "G" of said BOULEVARD VILLAS SUBDIVISION; thence N.89°32'31"W., along the South line of said Lot "G", a distance of 793.72 feet to a point on the East line of Tract 8 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.00°26'18"E., along the East line of said Tract 8, a distance of 62.39 feet to the Southeast corner of said Tract 8; thence S.0°23'30"E., a distance of 30.01 feet to the Northeast corner of Tract 9 in the Northeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence S.0°04'23"E., along the East line of said Tract 9, a distance of 265.93 feet to a point on the Westwardly extension of the North line of Lot "K" of said BOULEVARD VILLAS SUBDIVISION; thence S.89°57'05"E., along the Westwardly

extension of the North line of said Lot "K", along the North line of said Lot "K", along the Eastwardly extension of the North line of said Lot "K", and along the North line of Lot "L" of said BOULEVARD VILLAS SUBDIVISION, a distance of 941.97 feet to a point on the Westerly right-of-way line of U.S. Highway No. 301; thence S.08°06'54"E., along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 1663.67 feet to the P.C. of a curve to the left having a radius of 5821.58 feet; thence along the Westerly right-of-way line of U.S. Highway No. 301, a distance of 671.67 feet along the arc of said curve, thru a central angle of 06°36'38"; a chord bearing and distance of S.11°25'13"E., 671.30 feet to a point on the Northerly right-of-way line of Everhart Road; thence N.89°24'15"W., along the Northerly right-of-way line of Everhart Road, a distance of 177.73 feet; thence S.0°25'45"W., along the Northerly right-of-way line of Everhart Road, a distance of 25.00 feet; thence N.89°24'15"W., along the Northerly right-of-way line of Everhart Road, a distance of 459.13 feet; thence S.88°29'47"W., along the Northerly right-of-way line of Everhart Road, a distance of 325.77 feet; thence S.88°38'32"W., along the Northerly right-of-way line of Everhart Road and its Westwardly extension, a distance of 329.13 feet to a point on the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence S.86°59'56"W., a distance of 15.02 feet to the Southeast corner of Tract 8 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION; thence N.89°54'51"W., along the South line of said Tract 8, along the South line of Tract 7 in the Southeast 1/4 of said Section 36 of said SOUTH TAMPA SUBDIVISION, and along the Westwardly extension of the South line of said Tract 7, a distance of 1223.32 feet to the Southeast corner of Tract 6; thence N.0°01'54"W., a distance of 644.58 feet to the Southeast corner of Tract 3 in the Southeast 1/4 of said Section 36 of SOUTH TAMPA SUBDIVISION; thence N.89°54'55"W., along the South line of said Tract 3, along the South line of Tract 4 and the Westwardly extension of the South line of said Tract 4, a distance of 1217.56 feet to a point on a line 30.00 feet West of and parallel with the West line of said Tract 4; thence N.0°00'40"W., along said line a distance of 674.57 feet to a point on the Westwardly extension of the South line of Tract 12; thence N.0°01'08"W., along a line 30 feet West of and parallel with the West line of Tract 12, a distance of 650.50 feet; thence N.0°16'49"W., along a line 30 feet West of and parallel with the West line of Tract 12, a distance of 639.31 feet to the Point of Beginning.

All lying and being in Section 36, Township 29 South, Range 19 East and in Section 31, Township 29 South, Range 20 East, Hillsborough County, Florida, and containing 245.500 Acres, more or less.

SUBJECT TO existing easements and rights-of-way of record.

NOTE: Total area - Parcels A1, A2 & A3 = 2.069

LESS AND EXCEPT Platted rights-of-way included therein which have not been vacated.

TABLE 4
EQUIVALENCY MATRIX¹
Pavilion/Lennar NOPC

<u>CHANGE FROM:</u> <u>CHANGE TO:</u>	<u>Single Family</u>	<u>Multi-Family</u>	<u>Retail</u>
Single Family	N/A	.64 dus/du ² (0.637) ³	3.53 dus/ksf (3.535) ³
Multi-Family	1.57 dus/du (1.569) ³	N/A	5.55 dus/ksf (5.547) ³
Retail	283 sf/du (0.283) ³	180 sf/du (0.180) ³	N/A

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

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Single Family	300 dus	1,750 dus
Multi-Family	250 dus	2,550 dus
Retail	100 ksf	500 ksf

² Example exchanges:

Add 10 Single Family dus by reducing Multi-Family
10 dus ÷ .637 = 15.70; Reduce Multi-Family by 16 dus

Add 5,000 sf Retail by reducing Single Family
5 ksf x .283 = 17.67; Reduce Single Family by 18 dus.

³ Actual equivalency factor for use in calculations

A F F I D A V I T

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared SETH T. CRAINE, as attorney for LENNAR HOMES, INC., the applicant for the Pavilion DRI Notice of Proposed Change No. 2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. LENNAR HOMES, INC. filed its Notice of Proposed Change No. 2 for the Pavilion DRI on March 5, 1993.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

Seth T. Craine
SETH T. CRAINE
Attorney for LENNAR HOMES, INC.

SWORN TO and subscribed before me this 28th day of June, 1993.

Michele L. Henson
NOTARY PUBLIC
My Commission Expires:

w-hu/10997/002/affidavit



MICHELE L. HENSON
MY COMMISSION # CC 189104 EXPIRES
March 19, 1996
BONDED THROUGH TROY FACT INSURANCE, INC.

ATTACHMENT 1

DRI #148

THE PAVILION (a/k/a LUMSDEN/301)

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superseded by specific terms of the Development Order.

GENERAL PROJECT DESCRIPTION

1. Parking facilities will, at a minimum, satisfy parking requirements set forth in the Hillsborough County Zoning Code.
(ADA, p. 12-9)
2. Folsom proposes to establish privately-administered development controls and design criteria for purposes of promoting objectives for The Pavilion. These controls and criteria would be in addition to all public regulatory provisions which will also apply in order to protect general public interests. (ADA, p. 12-10)

3. The project will incorporate buffering techniques required by Hillsborough County Zoning Code and the Hillsborough County Land Alterations and Landscape Ordinances. (FSR, p. I-11)
4. The applicant intends to plan individual sites so as to comply with the Hillsborough County Zoning Code and Land Alteration and Landscape Ordinance. (FSR, p. I-17)
5. Appropriate construction techniques will be used to minimize adverse impacts to adjacent residential areas during construction of the project. Such techniques, as well as permanent buffering from adjacent properties, must, at a minimum, comply with County regulations which are intended to provide protection for surrounding property. (FSR, p. I-21)
6. The approved plan will include height limitations that the County determines to be appropriate and consistent with those (I-75 Corridor Plan) standards and regulations. (TSR, p. 4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

1. The applicant proposes to lay out site access and internal circulation so as to provide convenient, efficient traffic movement for planned uses and also to minimize vehicle-

generated pollutants. One such strategy will be to plan a network that can facilitate dispersion of traffic to various entry/exit points to that congestion and starting delays may be avoided. (ADA, p. 13-5)

Soil

1. Limitations with respect to pond embankments and reservoirs will be overcome through design and construction of proper side slopes to improve stability and alleviate flooding problems, and through sod replacement and suitable soil stabilizers on embankments to further stabilize the soil. (ADA, p. 14-1)
2. To the extent possible, elevations would be attained by normal grading on individual sites so as to minimize movement of material. Material from lake excavation would be employed in the same manner when suitable for use. (FSR, p. I-28)
3. As final design of the site proceeds, further subsurface investigations will be performed in proposed pond areas, and building and parking areas. The geotechnical firm will recommend the procedures necessary to determine design criteria based on their experience. (SR, p. I-29)

Water Quality/Drainage

1. Stormwater facilities will be developed pursuant to the requirements of Hillsborough County and FDER. (ADA, p. 15-3)
2. Water quality treatment will be provided within the site in accordance with Chapter 17-25 of the Florida Administrative Code in order to avoid degradation of water quality in the ultimate receiving waters. (ADA, p. 22-8)

Wetlands

1. The existing interior wetland system along with the existing on- and off-site drainage ditches now act as groundwater control. The operating levels of the proposed stormwater detention facilities within the site will be staged to maintain the viability of these systems. (ADA, p. 22-8)
2. The wetlands may be used for stormwater quantity and quality treatment as determined at the time of final drainage design. In such event, the applicant would file for approval and comply with approval requirements which typically include maintaining hydroperiods of existing wetlands and construction phase precautions, such as installation of silt barriers and use of hay bales. (SR, p. I-36)

3. The current hydroperiods of the on-site wetlands have not been determined at this time. However, this information will be established in the course of final drainage design. At that time, planning design approaches to restore and/or maintain natural hydroperiods will be presented to the jurisdictional agencies, as required, for their approval and inclusion into final design. (FSR, p. I-39)
4. The applicant plans to mitigate for wetland losses in accordance with Hillsborough County EPC Chapter 1-11, SWFWMD, FDER and ACOE. Plans to meet those requirements will be prepared and submitted to the appropriate agencies at the time of site plan/construction plan review. (FSR, p. I-39)
5. Lennar proposes to comply with the Wetlands Rule 9CH. 1-11. (FSR, p. I-40)
6. Lennar proposes to file a detailed Mitigation Plan with EPC at the appropriate time. (FSR, p. I-40)
7. Upon completion of the final site plan and final master drainage design, a determination as to whether the wetlands will be used for stormwater treatment will be established. If off-site runoff is commingled with the onsite runoff, the required additional treatment will be provided. (FSR, p. I-60)

Historical and Archaeological

1. No archaeological resources have been found on the Pavilion site. Any evidence of such resources observed during project construction will be reported to appropriate authorities.
(ADA, p. 19-1)

PUBLIC FACILITIES

Drainage

1. The final design of the master drainage facilities will be in accordance with the guidelines of the governing regulatory agencies, and subject to their review and approval. (ADA, p. 22-4)
2. The primary detention and conveyance facilities within the site will be designed to accommodate the future condition runoff from the 25-year 24-hour storm event, and will be in accordance with SWFWMD and Hillsborough County regulations.
(ADA, p. 22-4)

3. Systems to collect and convey surface runoff from individual sites to the primary drainage facilities will be designed for the 3-year event as required by the Hillsborough County using the rational method. (ADA, p. 22-5)
4. If it is determined that wet detention is to be used for water quality treatment, detention of runoff will be in accordance with Chapter 17-25, FAC and/or Chapter 40D-4/40 as applicable. The volume of storage that may be necessary will be provided for in the ponds. (FSR, p. I-61)
5. The stormwater detention system will be designed to treat and manage runoff. (FSR, p. I-62)
6. The applicant plans to follow the appropriate stormwater design criteria in preparing plans for review and approval by Hillsborough County Stormwater Department at the time of construction plan review for each element of the project. (FSR, p. I-62)
7. Easements for facilities to drain the site will be provided for and conveyed to the County as required by County policy in effect at the time of construction plan submittal and review where the County will assume operational and maintenance responsibilities. (FSR, p. I-62)

8. The applicant plans to design for post-development discharge at equal to or less than pre-development conditions in accordance with SWFWMD guidelines. (FSR, p. I-63)
9. The applicant plans to design the drainage system in accordance with Hillsborough County criteria, which at present would call for the 25-year/24-hour post development discharge rates to not exceed the existing condition 10-year/24-hour peak discharge rate. (FSR, p. I-64)

Wastewater

1. Use of treated effluent for landscape irrigation is not presently being considered for Lumsden/301, however, the applicant would consider this service if the County determines it to be necessary and/or desirable and it is found to be a beneficial alternative for the development. (ADA, p. 21-3)
2. The applicant intends to file for permits for well construction activities associated with the project, I.E., irrigation well construction, groundwater heat pump systems, and abandonment of existing wells, at the appropriate time. (FSR, p. I-1)
3. The applicant plans to adhere to all rules and regulations concerning irrigation wells. (FSR, p. I-66)

Recreation and Open Space

1. Any common open space areas will be owned and maintained by the applicant or an owners association except where local governments elect to accept ownership and maintenance responsibilities of facilities that provide broad public uses or benefits. Open space on individual tracts would become a maintenance responsibility of the tract owner or tenant.

(27-1) (ADA, p. 27-1)

2. The applicant is aware of and does intend to meet open space requirements set by zoning, which must be found to be consistent with criteria of all applicable land use categories. (I-77) (SR, p. I-77)

Fire

The project design will include provisions of adequate water supply to satisfy fire flow requirements established by Hillsborough County. (ADA, p. 30-1)

Transportation

1. The applicant is willing to discuss such joint use possibilities with FDOT, possibly as one means to mitigating traffic impact of this project. (SR, p. II-39)
2. We understand that acceptance of that analysis for use in preparing development order recommendations will not signify FDOT's concurrence in the proposed access plan, and we also understand that individual access points may be subject to future permitting procedures even after the DRI is approved. (SSR. no page numbers provided, response to FDOT question 1.)
3. We understand that when determining proportionate shares for impacted facilities of the State Highway System lying generally south of Symmes Road, a LOS C rural peak hour standard should be calculated and used where applicable. (SSR, no page numbers provided, response to FDOT question 3.)

ADA - Application for Development Approval

FSR - First Sufficiency Response

SSR - Second Sufficiency Response

TSR - Third Sufficiency Response

W-LU/10997/002/ATTACH1

03/03/93

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

September 22, 1992

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

Re: Resolution No. R92-0217 - Amending the Development Order for The
Pavilion (DRI #148)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted
by the Hillsborough County Board of County Commissioners on September 8, 1992.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

*mailed 9/25/92
received 9/28/92*

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

LF:ADF
Attachment
Certified Mail

cc: Board files (1 orig.)

J. Thomas Beck, Florida Department of Community Affairs
David Mechanik, Esquire - MacFarlane, Ferguson (excluding exhibits)
Kevin S. Kuenzel, Assistant County Attorney (excluding exhibits)
Gene Boles, Director, Planning and Development Management (excluding
exhibits)
Joe Egozcue, County Attorney's Office (excluding exhibits)

*Exhibit "A" - The NOPC, is filed with
the original D-O - amendment.*

148
Exhibit A with original

An Affirmative Action - Equal Opportunity Employer

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R92-0217 Amending the Development Order for The
Pavilion (DRI No. 148)

approved by the Board in its _____ regular meeting
of _____ September 8 _____, 19 92 _____, as the same
appears of record in MINUTE BOOK _____ 196 _____ of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ 22nd
day of _____ September _____, 19 92 _____.

RICHARD AKE, CLERK

By: *David L. Tyson*
Deputy Clerk

AMENDED DEVELOPMENT ORDER

Resolution No. R92-0217

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

Upon motion by Commissioner Iorio, seconded by Commissioner Chillura, Jr., the following Resolution was adopted on this 8th day of September, 1992.

WHEREAS, on July 11, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0184) for THE PAVILION Development of Regional Impact ("DRI") #148 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 2, 1992, F.F.P. Co. filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for THE PAVILION DRI and on July 15, 1992, submitted the First Response to Agency Comments and on July 22, 1992, submitted the Second Response to Agency Comments and on August 28, 1992, submitted the Third Response to Agency Comments (which documents are collectively referred to as the "Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of Phase I commencement and buildout date as defined in the Notice of Change; an extension of the design, right-of-way and construction deadlines for the roadway improvements defined in Subparagraph IV.B.3.c(1) (the "Required Improvements"); the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes") and

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

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

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

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

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

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

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

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

1. The following findings of fact are made:

A. F.F.P. Co., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, the Notice of Change, which is

attached hereto as Composite Exhibit "A" and incorporated herein by reference, which requested an extension of the Phase I commencement and buildout date as defined in the Notice of Change; an extension of the design, right-of-way and construction deadlines for the Required Improvements; the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis; (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes").

- B. All statutory procedures have been adhered to.
- C. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.
- D. That the Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.
- E. That the Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- F. That the Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC").
- G. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the County and TBRPC.
- H. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes (1991).

2. That the Board of County Commissioners having made the above findings of fact, renders the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject to the terms and conditions of the Development Order and the amendments, conditions, restrictions and limitations set forth herein.
- B. The review by the County, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.
- C. Except for the proposed extension of commencement and buildout dates, which are governed by §380.06(19)(e)2, Florida Statutes, the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- D. That based upon analyses which are part of Composite Exhibit "A", the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
- E. That based on the foregoing and pursuant to Section 380.06(19), Florida Statutes (1991), the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

3. The Development Order is hereby amended as follows:

- A. The Development Order is hereby amended to incorporate an extension of Phase I commencement and buildout date as defined in the Notice of Change; an extension of the design, right-of-way and construction deadlines for the Required Improvements; the inclusion of an equivalency matrix; and the deletion and modification of certain conditions based upon the submission with the Notice of Proposed Change of an Air Quality Analysis and the revised master plan contained in the Notice of Change. Accordingly, the Development Order is further amended to incorporate the Revised Phasing Schedule, attached hereto as Exhibit "B", which reflects the changes to the project phase designations.
- B. Subparagraph IV.A.7. is hereby amended to revise the date of commencement to July 25, 1995 (i.e., a two (2) year, eleven (11) month and fifteen (15) day extension).
- C. Subparagraphs IV.B.3.c.(3) and IV.B.3.c.(4) of the Development Order are restated as follows:
 - (3) The Developer shall initiate the Required Design within thirty (30) days of the election of this option. Subject to acts of God or other occurrences beyond Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before June 15, 1994 (i.e., a two (2) year, eleven (11) month and fifteen (15) day extension). Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County. The Developer will bear any additional costs caused by the extension in the construction of the Required Improvements.
 - (4) Within three (3) months after the completion of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs, Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit against future transportation and right-of-way impact fees which may be assessed against the Project.
- D. Condition IV.A.2. in the Development Order is hereby amended to delete the tradeoff language allowing a decrease in Office and/or Research Corporate Park uses and simultaneously increase Commercial and/or Hotel uses. The equivalency matrix set forth on Exhibit "B", hereto, is hereby approved as a substitute. The Developer shall give notice to the Florida Department of Community Affairs ("DCA") and TBRPC of all land use conversions utilizing the Equivalency Matrix in each annual report following such conversion(s).
- E. The following language is added as a second paragraph to Condition IV.C.2.:

In August 1992, the Developer demonstrated to the satisfaction of TBRPC, the Florida Department of Environmental Regulation ("FDER"), the Environmental Protection Commission ("EPC") and the County that Phase I (1997) would cause no exceedances of ambient air quality standards. Thus, no air quality mitigating measures are required for Phase I.

F. Condition IV.C.3. in the Development Order is hereby amended to delete the requirement for the Phase I carbon monoxide and/or ozone monitoring as this portion of the condition has been satisfied with the submission of the Notice of Change. Condition IV.C.3. remains in effect as to Phase II.

G. The last sentence of Condition IV.B.3.c.(1) in the Development Order is hereby amended to read:

Should Faulkenburg Road not be constructed by Parkway Center by the end of 1995, the obligation under this option to coordinate with the developer of the Parkway Center DRI to construct such transition lanes shall expire.

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

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

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

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

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

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of Sep. 8, 1992, as the same appears of record in Minute Book 196 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of September, 1992

RICHARD AKE, CLERK

By: Linda Lyman
Deputy Clerk

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

EXHIBIT "B"
TO THE AMENDED DEVELOPMENT ORDER
THE PAVILION

REVISED PHASE DESIGNATIONS

<u>Years</u>	<u>Office</u> <u>(Sq.Ft.)</u> ¹	<u>Commercial</u> <u>(Sq.Ft.)</u> ¹	<u>Hotel</u> <u>(Rooms)</u>	<u>Research</u> <u>Corporate Park</u> <u>(Sq.Ft.)</u> ¹
Revised Phase I (1991-December 15, 1997) ²	2,475,000	735,000	350	825,000
Phase II (1994-1999)	<u>1,075,000</u>	<u>330,000</u>	<u>---</u>	<u>275,000</u>
Total Project	3,550,000	1,065,000	350	1,100,000

1 Square footage totals referred to are gross square feet of floor area.

2 A two (2) year, eleven (11) month and fifteen (15) day extension.

EQUIVALENCY MATRIX¹

<u>Change from:</u> <u>Change to:</u>	<u>HOTEL</u>	<u>OFFICE</u>	<u>RETAIL</u>
HOTEL	N/A	153 sf/room ² (152.9) ³	268 sf/room (268.0) ³
OFFICE	6.54 rooms/ksf (6.538) ³	N/A	571 sf/ksf (.5706) ³
RETAIL	3.73 rooms/ksf ² (3.731) ³	1,748 sf/ksf (1.748) ³	N/A

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

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Hotel	0 rooms	350 rooms
Office	1,000,000 s.f.	4,500,000 s.f.
Retail	300,000 s.f.	1,000,000 s.f.

2 Example exchanges: Add 50 Hotel rooms by reducing Office
50 rooms x 154.7 = 7,735; Reduce Office by 7,735 sf

Add 25,000 sf Retail by reducing Hotel
25 ksf x 3.731 = 93.275; Reduce hotel by 94 rooms

3 Actual equivalency factor for use in calculations

SEP 18 1992
NOTARY PUBLIC
DAVID M. MECHANIK

EXHIBIT "C"

DEVELOPER'S CERTIFICATION

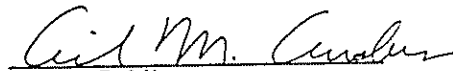
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, as attorney for F.F.P. Co., the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the Pavilion DRI #148 (the "Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. F.F.P. Co. filed the Notice of Change on April 2, 1992.
2. F.F.P. Co. filed a First Response to Comments letter on July 15, 1992.
3. F.F.P. Co. filed a Second Response to Comments letter on July 22, 1992.
4. F.F.P. Co. filed a Third Response to Comments letter on August 28, 1992.
5. The Notice of Change, First Response to Comments, Second Response to Comments and Third Response to Comments were filed with all persons as required by law.

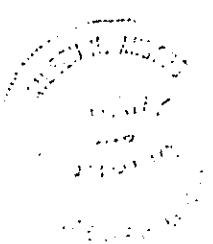

David M. Mechanik
Attorney for F.F.P. Co.

The foregoing instrument was acknowledged before me this 4th day of SEPTEMBER, 1992, by David M. Mechanik, attorney for F. F. P. Co., who is personally known to me and who did not take an oath.


Notary Public

(Notarial Seal)

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



Greiner

P.O. Box 31646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Fla 33607-1462
(813) 287-1711
FAX: (813) 287-8591
JUL 22 1992

C1553.00
July 15, 1992

Mr. Tom Beck
Florida Department of Community Affairs
Bureau of State Planning
2740 Centerview Drive
Tallahassee, Florida 32399

Reference: **Pavilion DRI Notification of Proposed Change
Response to Comments**

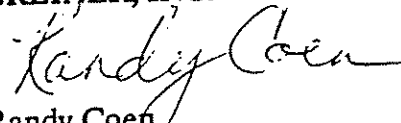
Dear Mr. Beck:

Enclosed herewith please find our responses to your comments attached to your letter to Steve Luce of Hillsborough County dated May 22, 1992 for the above referenced project.

If you should have any questions or need further information please contact me.

Sincerely,

GREINER, INC.



Randy Coen
Senior Project Manager

RGC/go

xc: Suzanne Cooper, TBRPC
Steve Luce, Hillsborough County
Dave Mechanik

RESPONSE TO COMMENTS FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Introduction:

In preparation of the responses presented below, the applicant has acknowledged agreement to revise the proposed amended development order in several respects. However, because the applicant has not yet received comments from Hillsborough County staff regarding any requested revisions, the applicant would prefer to wait to revise the proposed amended development order until those comments are received.

1. Although the NOPC does not identify any specific changes to the master plan, it appears that certain internal roads have been deleted.

The reviewer is correct. While all major internal roads and all access points remain unchanged, certain minor internal roadways have been deleted. These minor internal roadways were apparently originally depicted by the previous owner for purposes of subdivision of the property. The current owner wishes to preserve its flexibility regarding the future subdivision of the property. Should the reviewing agencies deem the deletion of minor internal roadways as a "change", the applicant would request the master plan submitted with the NOPC be considered as being proposed for modification.

2. The applicant has indicated that the proposed extension in the commencement date meets the criteria of subparagraph 380.06(19)(e)2., F.S. The proposed commencement date is defined as three years from the effective date of this proposed development order amendment. As currently worded, it cannot be assured that the proposed commencement extension would be for a like period of time as the proposed buildout extension; therefore, the proposed commencement extension is presumed to create a substantial deviation pursuant to subparagraph 380.06(19)(e)3., F.S. In order to meet the criteria of subparagraph 380.06(19)(e)2., F.S., the applicant should revise the proposed commencement date to specify July 25, 1995.

The applicant in the NOPC incorrectly stated which changes meet the criteria of Section 380.06(19)(e)2., F.S. The NOPC should have stated that the Phase I build-out date and the requested extension of the commencement date meet the criteria of Section 380.06(19)(e)2., F.S. In addition, the applicant acknowledges the reviewer's comment and hereby modifies the NOPC to clarify that the requested extension for commencement of construction of development is July 25, 1995.

3. (a) The Department is concerned that the proposed delay in the pipeline improvement would affect the cost of the improvement. (b) Also, the construction of Faulkenburg Road as provided for in The Pavilion DRI development order is part of a larger extension of Faulkenburg Road; therefore, the Department is concerned that the proposed modification by The Pavilion DRI may result in a considerable delay in the completion of this roadway. (c) Further, the NOPC does not clearly indicate which dates in the development order, with regards to the pipeline improvement, are proposed to be delayed and what the revised dates would be.

(a) The applicant would agree to a development order condition which provides that the developer would bear any additional costs caused by the delay. (b) It is the applicant's understanding that the County is coordinating the dates of construction of Faulkenburg Road through the review of an NOPC for a separate development having responsibilities for another segment of Faulkenburg Road. It is also the applicant's understanding that the County desires that each developer be responsible for its own segment as a "free-standing" improvement and that they not be legally linked. Moreover, the "pipeline" procedure was, in general, implemented in a manner that each development's pipeline improvement would, on its own, meet DCA's minimum criteria, since what was built beyond that development's pipeline segment was beyond that developer's control. (c) It is the applicant's request that all applicable "milestone" dates be extended by the requested period of two (2)

years, eleven (11) months, and fifteen (15) days. The revised dates cannot be determined in that the Development Order did not set out actual dates: Each stage was triggered by the completion of an earlier step.

4. The Department has several concerns regarding the proposed equivalency matrix. The basis for the minimum and maximum exchanges (note 1 in Table 1 in the NOPC) is unclear. The use and application of Table 3 to address the impacts on public facilities and affordable housing is not clearly explained. Further, the limits in Table 3 do not ensure that the exchange of land uses will not result in additional impacts to water, wastewater, solid waste and affordable housing. The NOPC does not indicate that notice would be given to the County, Tampa Bay Regional Planning Council (TBRPC) and the Department when the equivalency matrix is used, in order to ensure a proper accounting of approved land use amounts. The NOPC does not indicate whether the existing trade-off mechanism in condition IV.A.2 of the development order will be deleted.

The minimum and maximum exchanges (exhibited in footnote 1 of Table 1 of the Equivalency Matrix Technical Memorandum) are based on the maximum exchanges identified in Tables 2 and 3 of the same technical memorandum based on the worst case equivalency factor (i.e., traffic, water, wastewater, solid waste, or affordable housing). The minimums are based on anticipated worst case potential market conditions.

Table 3 was discussed in considerable length with DCA staff prior to submittal of the NOPC. The development of Table 3 and the calculations therein were specifically addressed and example calculations were reviewed. Table 3 specifically demonstrates the maximum amounts of development which may be exchanged while not resulting in additional impacts to water, wastewater, solid waste and affordable housing.

Similar information is provided in Table 1 for transportation. In addition, Tables 2 and 4 provide supporting information regarding transportation and

employment respectively. Finally, footnote 1 of Table 3 references several informational sources which are provided in the technical memorandum.

The applicant agrees to a condition requiring it to give notice to DCA and TBRPC of all land use conversions utilizing the Equivalency Matrix in each annual report following such conversion(s). It is the applicant's intention to have the new equivalency mechanism supersede the trade-off mechanism found in Condition IV.A.2 in the existing development order. The applicant agrees to revision of the development order to make this deletion.

5. The air quality analysis prepared by the applicant is currently being reviewed by the Florida Department of Environmental Regulation (FDER). There may be substantive concerns regarding the air quality analysis, pending completion of FDER's review. Condition IV.C.2 in the development order should not be deleted with regards to Phase I until the analysis is approved by FDER, Hillsborough County Environmental Protection [Commission] and TBRPC in accordance with the development order condition. Condition IV.C.2 should not be deleted with regards to Phase II. The applicant has not provided any evidence indicating that the monitoring of ambient air quality conditions is no longer necessary or appropriate, in order to support the proposed deletion of condition IV.C.3 in the development order.

The Phase I air quality analysis was completed in accordance with all applicable analysis guidelines, procedures and requirements and was submitted to justify the requested deletion. The applicant acknowledges however, that this Condition IV.C.2. should not be deleted as to Phase II, and that the proposed amended development order should be amended accordingly.

The Phase I air quality analysis demonstrates that the project will not have any adverse air quality impacts. As a result, air quality monitoring is not necessary or appropriate and Condition IV.C.3 should be deleted as it relates to Phase I. It should also be noted that historically, once DCA has been

satisfied that no adverse air quality impacts are projected to occur through an air quality analysis approved by DER, air quality monitoring is not required. Therefore, the applicant is seeking to be treated the same as other developments through submission of the requisite air quality analysis.

6. The proposed development order amendment should be revised to be consistent with Rules 9J-2.025(3)(b)5., and (11)(f), F.A.C., with regards to land use definitions and threshold criteria. Specifically, the "commercial" land uses should be clarified as "retail" uses. The development order amendment should specify the approved amount of retail in terms of gross square footage (not gross leasable area), number of parking spaces and acreage. The development order amendment should specify the approved amount of office (including research park) in terms of gross square footage and acreage.

The applicant has not proposed any changes with respect to land uses or development totals. Accordingly, the applicant did not believe it appropriate to change terminology since the terminology used in the NOPC is consistent with that provided in the approved development order. The Revised Phasing Schedule, Exhibit "B" of the proposed amended development order, will be revised to reflect that all square footages are stated in terms of "gross floor area".

TITLE: LUMSDEN/PROVIDENCE 1997 WITH PROJECT EXISTING GEOMETRY

METEOROLOGICAL CONDITIONS:

Wind Speed = 1.0 m/s

Wind Bearing = 10. deg

Temperature = 60.0 F

Stability Class = 4 (D)

Mixing Height = 1000. m

Ambient Concentration = .0 ppm

Surface Roughness = 108. cm

Averaging Time = 60. min

COMMENT: Wind angle will be incremented from 0 to 360 deg by 10.0 deg for worst case analysis.

INTERSECTION INFORMATION:

Type = Signalized

Delay Links = 0

Intersection Calculational Procedure: CMA Planning

Cycle Length = 130.0 sec

Non-Delay Links = 0

Signal Phases = 5

TFLAG = 0

-----LINK SUMMARY-----

Link	Type	Width	Height	VPH1	VSP	NLN	NLTL	NRTL	FLT	FRT	LTFLG	THWIDE	LTWIDE
1	AG	14.6	.0	1070.	10.0	1	1	1	.3500	.2300	1	3.66	3.66
2	AG	25.6	.0	1555.	36.0	3	1	0	.1500	.1300	1	3.66	3.66
3	AG	14.6	.0	605.	31.0	1	1	1	.2200	.1900	1	3.66	3.66
4	AG	25.6	.0	5914.	10.0	3	1	0	.1800	.0800	1	3.66	3.66

-----TEXIN2 WORST CASE WIND ANGLE ANALYSIS-----

Receptor	XR	YR	ZR	Angle (deg)	CO (ppm)*
1	-17.3	42.8	1.8	160.0	6.4
2	17.3	42.8	1.8	250.0	7.5
3	37.3	22.8	1.8	260.0	9.2
4	37.3	-22.8	1.8	280.0	9.5
5	17.3	-42.8	1.8	290.0	6.5
6	-17.3	-42.8	1.8	10.0	7.2
7	-37.3	-22.8	1.8	280.0	7.7
8	-37.3	22.8	1.8	260.0	7.7

*Includes Background Ambient Concentration of .0 ppm

Streets: (E-W) CAUSEWAY
Analyst: PIV
Area Type: Other
Comment: 1997 WITH PAVILION TRAFFIC

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	<	1	2	1	1	3	↘	1	2	1
Volumes	665	1443	188	423	545	176	378	2307	1241	589	1710	268
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
RTOR Vols			0			0			0			0

Phase combination				1	2	3	4	Phase combination				5	6	7	8
EB	Left	*			*	*		NB	Left	*	*				
	Thru				*	*			Thru			*			
	Right				*	*			Right			*			
	Peds								Peds						
WB	Left	*				*		SB	Left	*	*				
	Thru					*			Thru			*			
	Right					*			Right			*			
	Peds								Peds						
NB	Right							EB	Right	*					
SB	Right	*	*					WB	Right						
Green		10A	15A	17A				Green		15A	48A				
Yellow/A-R		3	3	3				Yellow/A-R		3	3				
Lost Time		3.0	3.0	3.0				Lost Time		3.0	3.0				
Cycle Length: 120 secs								Phase combination order: #1 #2 #3 #5 #6							

Intersection Performance Summary									
	Lane	Group:	Adj Sat	v/c	g/c			Approach:	
	Mvmts	Cap	Flow	Ratio	Ratio	Delay	LOS	Delay	LOS
	-----	-----	-----	-----	-----	-----	-----	-----	-----
EB	L	1714	357	1.83	0.38	*	*	*	*
	TR	3543	1033	1.70	0.29	*	*		
WB	L	1714	143	2.77	0.22	*	*	*	*
	T	3608	511	1.15	0.14	108.7	F		
	R	1533	217	0.87	0.14	49.8	E		
NB	L	1714	214	1.61	0.55	*	*	*	*
	TR	5127	2051	1.86	0.40	*	*	*	*
SB	L	1714	214	2.67	0.55	*	*		
	T	3608	1443	1.27	0.40	*	*		
	R	1533	971	0.30	0.63	6.5	B		

Intersection LOS = *

Intersection Delay = * (sec/veh) Intersection LOS
* Delay and LOS not meaningful when any v/c is greater than 1.2

TITLE: US 301/LUMSDEN 1997 WITH PROJECT EXISTING GEOMETRY

METEOROLOGICAL CONDITIONS:

Wind Speed = 1.0 m/s	Stability Class = 4 (D)	Surface Roughness = 108. cm
Wind Bearing = 10. deg	Mixing Height = 1000. m	Averaging Time = 60. min
Temperature = 60.0 F	Ambient Concentration = .0 ppm	

COMMENT: Wind angle will be incremented from 0 to 360 deg by 10.0 deg for worst case analysis.

INTERSECTION INFORMATION:

Type = Signalized	Cycle Length = 120.0 sec	Signal Phases = 5
Delay Links = 0	Non-Delay Links = 0	TFLAG = 0
Intersection Calculational Procedure: CMA Planning		

-----LINK SUMMARY-----

Link	Type	Width	Height	VPHI	VSP	NLN	NLTL	NRTL	FLT	FRT	LTFLG	THWIDE	LTWIDE
1	AG	25.6	.0	2567.	10.0	2	1	1	.2300	.1000	1	3.66	3.66
2	AG	25.6	.0	1144.	31.0	2	1	1	.3700	.1500	1	3.66	3.66
3	AG	22.0	.0	3926.	10.0	3	1	0	.1000	.3200	1	3.66	3.66
4	AG	18.3	.0	2296.	10.0	2	1	0	.2900	.0800	1	3.66	3.66

-----TEXIN2 WORST CASE WIND ANGLE ANALYSIS-----

Receptor	XR	YR	ZR	Angle (deg)	CO (ppm)*
1	-22.3	39.2	1.8	170.0	9.0
2	22.8	42.8	1.8	190.0	8.7
3	42.8	22.8	1.8	260.0	7.5
4	41.0	-22.3	1.8	290.0	7.6
5	21.0	-42.8	1.8	340.0	8.6
6	-21.0	-39.2	1.8	10.0	8.9
7	-41.0	-19.2	1.8	70.0	7.8
8	-42.8	19.2	1.8	110.0	7.6

*Includes Background Ambient Concentration of .0 ppm

Greiner

Greiner, Inc.
P.O. Box 31646 (33631-3416) JUL 24 1992
7650 Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C2553.00

July 22, 1992

Ms. Marla Hough
Transportation Team Leader
Plans and Policies Section
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601

**Reference: Pavilion DRI Notification of Proposed Change
Second Response to Comments**

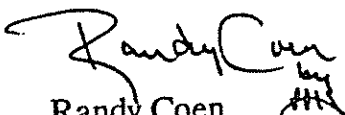
Dear Ms. Hough:

Attached please find a Revised Table 1 - Equivalency Matrix, which replaces Table 1 provided in Appendix "A" of the NOPC application. The table was revised to correct a rounding error in the office equivalency factor.

If you should have any questions or need further information please contact me.

Sincerely,

GREINER, INC.



Randy Coen
Senior Project Manager

RC/pph

Attachment

c: Steve Luce, Hillsborough County
Suzanne Cooper, TBRPC
Tom Beck, DCA
Dave Mechanik

TABLE I
EQUIVALENCY MATRIX¹
The Pavilion
(Revised 7/92)

<u>CHANGE FROM:</u> <u>CHANGE TO:</u>	<u>HOTEL</u>	<u>OFFICE</u>	<u>RETAIL</u>
HOTEL	N/A	153 sf/room ² (152.9) ³	268 sf/room (268.0) ³
OFFICE	6.54 rooms/ksf (6.538) ³	N/A	571 sf/ksf (.5706) ³
RETAIL	3.73 rooms/ksf ² (3.731) ³	1,748 sf/ksf (1.748) ³	N/A

¹ Land use exchanges are based on net external p.m. peak hour peak direction project traffic. Use of this matrix shall be limited to the extent identified in Table ____ to ensure that approved Phase I maximum allotments for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

² Example exchanges:

Add 50 Hotel rooms by reducing Office
50 rooms x 154.7 = 7,735; Reduce Office by 7,735 sf

Add 25,000 sf Retail by reducing Hotel
25 ksf x 3.731 = 93.275; Reduce hotel by 94 rooms

³ Actual equivalency factor for use in calculations

Greiner

AUG 31 1992
Greiner, Inc.
P.O. 31646 (33631-3416)
7650 West Courtney Campbell Causeway
Tampa, Florida 33607-1462
(813) 286-1711
FAX: (813) 287-8591

C2553.00
August 28, 1992

Ms. Carmen Bishop
Florida Department of Community Affairs
2740 Centerview Drive
The Rhyne Building
Tallahassee, Florida 32399

"SEE RESPONSE TO COMMENTS"

Reference: Air Quality Analysis for the Pavilion Extended Phase I Buildout

Dear Ms. Bishop,

Enclosed is a copy of the revised air quality analysis for the project referenced above. As requested by DCA, the analysis was revised to reflect the extended Phase I buildout year, 1997. Copies of the report are also being transmitted to Suzanne Cooper (TBRPC), Tony D'Aquila (EPC), Louis Fernandez (FDER) and Daniel Santos (DDC) for review.

A hearing for the project is scheduled for 1:30 p.m. September 8, 1992 and therefore, we would appreciate any effort to expedite the review of the revised analysis. If there are any questions, please call me or Randy Coen.

Sincerely,

GREINER, INC.

Daniel Doebler

Daniel Doebler
Environmental Scientist

DD/pph

Enclosure

c: Suzanne Cooper - TBRPC
Tony D'Aquila - EPC
Louis Fernandez - FDER
Daniel Santos - DDC
Randy Coen - Greiner, Inc.
Dave Mechanik - Macfarlane Ferguson
Arthur Moses - Vector Land Group

ADDENDUM
REVISED PHASE I AIR QUALITY ANALYSIS
The Pavilion

This addendum summarizes the results of an air quality impact analysis conducted for the extended Phase I buildout of the proposed Pavilion project. The study was performed for the revised buildout year, 1997. The analysis is consistent with the FDER document Guidelines for Evaluating the Air Quality Impacts of Indirect Sources, January 1988.

The study methodology is the same as the methodology documented in Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI), April 1992, which was prepared for the Pavilion project. Only three input parameters; (1) traffic volumes, (2) vehicle speeds and (3) calendar year modeled, were revised to reflect 1997 conditions. All other parameters developed for each modeled intersection, including inputs for meteorology, roadway geometrics and an inspection/maintenance program, are identical to the input parameters developed for the previous study. Output data sheets from the 1985 Highway Capacity Manual signalized intersection analysis and the TEXIN2/MOBILE4 air quality model are in the attached appendix.

The results of the revised Pavilion Phase I air quality impact analysis are presented in Table 1. These carbon monoxide (CO) values represent potential worst-case conditions in the vicinity of the proposed project. The reported CO concentrations include contributions from future-year project traffic, background traffic emissions and background CO levels. As in the previous air quality study, the FDER-recommended default value of 2.0 ppm was used for background concentrations.

TABLE 1
PREDICTED 1997 ONE-AND EIGHT-HOUR
WORST CASE CARBON MONOXIDE LEVELS

<u>Intersections</u>	<u>One-Hour Average^a (PPM)^b</u>	<u>Eight-hour Average^a (PPM)^b</u>
Causeway Avenue/78th Street	8.1	5.2
Bloomington Avenue/U.S. 301	8.1	5.2
S.R. 60/Lakewood Drive	8.5	5.4
Lumsden Road/Providence Road	11.2	6.8
Lumsden Road/U.S. 301	11.0	6.7

^a Includes background concentration of 2.0 ppm.

^b Parts per million.

Ambient Air Quality Standards (AAQS) for carbon monoxide levels considered not to pose any significant health risk:

One hour - 35 parts per million
Eight hour - 9 parts per million

As shown in Table 1, the highest predicted one-hour CO concentrations for the 1997 build condition range between 8.1 and 11.2 ppm, well below the one-hour Ambient Air Quality Standard (AAQS) of 35.0 ppm. The highest concentrations are expected to occur in the vicinities of the Lumsden Road/Providence Road and Lumsden Road/U.S. 301 intersections.

The computer modeling of worst-case traffic and meteorological data was conducted for the peak one-hour period. To account for the long-term variation in traffic and meteorological data over time, a persistence factor of 0.52 was used to convert the one-hour modeled conditions to worst-case eight-hour conditions. In this way, the results can be compared to the AAQS which are also based on one-hour and eight-hour time periods.

The highest predicted eight-hour CO concentrations, ranging between 5.2 and 6.8 ppm, are also well below the eight-hour AAQS of 9.0 ppm. The highest concentrations are expected to occur in the vicinities of the Lumsden Road/Providence Road and Lumsden Road/U.S. 301 intersections.

The results of an air quality impact analysis conducted for the extended Phase I buildout of the proposed Pavilion project indicate that under simulated worst-case traffic and meteorological conditions, motor vehicle emissions associated with the project will not cause, nor contribute to, an exceedance of the AAQS for CO.

APPENDIX
TABLE OF CONTENTS
Revised Pavilion Air Quality Analysis

<u>Item</u>	<u>Page Number</u>
Causeway Avenue/78th Street	A-1
o HCM Signalized Intersection Summary	A-2
o TEXIN2 Worst-Case Receptor Results - With Project	
 Bloomingdale Avenue/U.S. 301	 A-3
o HCM Signalized Intersection Summary	A-4
o TEXIN2 Worst-Case Receptor Results - With Project	
 S.R. 60/Lakewood Drive	 A-5
o HCM Signalized Intersection Summary	A-6
o TEXIN2 Worst-Case Receptor Results - With Project	
 Lumsden Road/Providence Road	 A-7
o HCM Signalized Intersection Summary	A-8
o TEXIN2 Worst-Case Receptor Results - With Project	
 Lumsden Road/U.S. 301	 A-9
o HCM Signalized Intersection Summary	A-10
o TEXIN2 Worst-Case Receptor Results - With Project	

HCM: SIGNALIZED INTERSECTION SUMMARY

Center For Microcomputers In Transportation

Streets: (E-W) 78TH ST

Analyst: PIV

Area Type: Other

Comment: 1997 WITH PAVILION TRAFFIC

(N-S) CAUSEWAY

File Name: 78CAUS.HC9

8-22-92 PM PEAK

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	> 1	1		> 1	1		> 2	<	1	1	1	
Volumes	227	797	288	148	613	1130	103	681	144	459	1148	201
Lane Width		12.0	12.0		12.0	12.0		12.0		12.0	12.0	12.0
RTOR Vols			0			0			0			0

Signal Operations

Phase combination	1	2	3	4	5	6	7	8
EB Left	*				NB Left	*		
Thru	*				Thru	*		
Right	*				Right	*		
Peds					Peds			
WB Left		*			SB Left	*		
Thru		*			Thru	*		
Right		*			Right	*		
Peds					Peds			
NB Right					EB Right	*		
SB Right					WB Right	*		
Green	32A	27A			Green	35A	14A	
Yellow/A-R	3	3			Yellow/A-R	3	3	
Lost Time	3.0	3.0			Lost Time	3.0	3.0	
Cycle Length: 120 secs Phase combination order: #1 #2 #5 #6								

Intersection Performance Summary

	Lane	Group:	Adj Sat	v/c	g/c	Delay	LOS	Approach:	
	Mvmts	Cap	Flow	Ratio	Ratio			Delay	LOS
EB	LT	1784	476	2.31	0.27	*	*	*	*
	R	1533	588	0.53	0.38	19.1	C		
WB	LT	1786	402	2.04	0.22	*	*	*	*
	R	1533	792	1.53	0.52	*	*	*	*
NB	LTR	3501	408	2.44	0.12	*	*	*	*
SB	L	1714	500	0.99	0.29	60.3	F		
	T	1804	526	2.35	0.29	*	*		
	R	1533	447	0.48	0.29	23.2	C		

Intersection Delay = * (sec/veh)

Intersection LOS = *

* Delay and LOS not meaningful when any v/c is greater than 1.2

TITLE: CAUSEWAY/78TH ST 1997 WITH PROJECT EXISTING GEOMETRY

METEOROLOGICAL CONDITIONS:

Wind Speed = 1.0 m/s Stability Class = 4 (D) Surface Roughness = 108. cm
Wind Bearing = 10. deg Mixing Height = 1000. m Averaging Time = 60. min
Temperature = 60.0 F Ambient Concentration = .0 ppm

COMMENT: Wind angle will be incremented from 0 to 360 deg by 10.0 deg for worst case analysis.

INTERSECTION INFORMATION:

Type = Signalized Cycle Length = 120.0 sec Signal Phases = 4
Delay Links = 0 Non-Delay Links = 0 TFLAG = 0
Intersection Calculational Procedure: CMA Planning

-----LINK SUMMARY-----

Link	Type	Width	Height	VPHI	VSP	NLN	NLTL	NRTL	FLT	FRT	LTFLG	THWIDE	LTWIDE
1	AG	18.3	.0	1803.	10.0	1	1	1	.2500	.1100	1	3.66	3.66
2	AG	11.0	.0	1891.	10.0	1	0	1	.0800	.6000	1	3.66	3.66
3	AG	11.0	.0	928.	10.0	2	0	0	.1100	.1600	1	3.66	3.66
4	AG	11.0	.0	1312.	10.0	1	0	1	.1700	.2200	1	3.66	3.66

-----TEXIN2 WORST CASE WIND ANGLE ANALYSIS-----

Receptor	XR	YR	ZR	Angle (deg)	CO (ppm)*
1	-19.2	35.5	1.8	100.0	4.8
2	19.2	35.5	1.8	200.0	4.9
3	39.2	15.5	1.8	260.0	5.0
4	35.5	-19.5	1.8	340.0	5.3
5	15.5	-35.5	1.8	350.0	6.1
6	-15.5	-15.5	1.8	10.0	5.3
7	-35.5	-15.5	1.8	80.0	5.2
8	-19.2	15.5	1.8	100.0	5.6

*Includes Background Ambient Concentration of .0 ppm

8-22-92 PM PEAK

		Signal Operations								
		1	2	3	4		5	6	7	8
Phase combination						NB Left		*		
EB Left	*		*			Thru		*		
Thru			*			Right		*		
Right						Peds				
Peds						SB Left	*	*		
WB Left	*		*			Thru	*	*		
Thru			*			Right	*	*		
Right						Peds				
Peds						EB Right				
NB Right	*					WB Right	*			
SB Right	*					Green	55A	18A		
Green	5A	28A				Yellow/A-R	3	4		
Yellow/A-R	3	4				Lost Time	3.0	3.0		
Lost Time	3.0	3.0								
Cycle Length:	120 secs					Phase combination order:	#1	#2	#5	#6

TITLE: BLOOMINGDALE/US 301 1997 WITH PROJECT EXISTING GEOMETRY

METEOROLOGICAL CONDITIONS:

Wind Speed : 1.0 m/s
Wind Bearing : 10. deg
Temperature : 60.0 F

Stability Class : 4 (D)
Mixing Height : 1000. m
Ambient Concentration : .0 ppm

Surface Roughness : 108. cm
Averaging Time : 60. min

COMMENT: Wind angle will be incremented from 0 to 360 deg by 10.0 deg for worst case analysis.

INTERSECTION INFORMATION:

Type : Signalized
Delay Links : 0
Intersection Calculational Procedure: CMA Planning

Cycle Length : 120.0 sec
Non-Delay Links : 0

Signal Phases : 4
TFLAG : 0

-----LINK SUMMARY-----

Link	Type	Width	Height	VPHI	VSP	NLN	NLTL	NRTL	FLT	FRT	LTFLG	THWIDE	LTWIDE
1	AG	29.3	.0	3105.	10.0	3	1	1	.4000	.0700	1	3.66	3.66
2	AG	14.6	.0	630.	39.0	1	1	1	.1900	.6300	0	3.66	3.66
3	AG	29.3	.0	820.	44.0	3	1	1	.0900	.1600	1	3.66	3.66
4	AG	14.6	.0	1071.	10.0	1	1	1	.1200	.3500	1	3.66	3.66

-----TEXIN2 WORST CASE WIND ANGLE ANALYSIS-----

Receptor	XR	YR	ZR	Angle (deg)	CO (ppm)*
1	-24.7	37.3	1.8	10.0	5.0
2	24.7	37.3	1.8	340.0	5.0
3	44.7	17.3	1.8	260.0	5.3
4	44.7	-17.3	1.8	340.0	5.3
5	24.7	-37.3	1.8	350.0	6.0
6	-24.7	-37.3	1.8	10.0	6.1
7	-44.7	-17.3	1.8	20.0	5.1
8	-44.7	17.3	1.8	100.0	5.1

*Includes Background Ambient Concentration of .0 ppm

```
=====
Streets: (E-W) SR 60
Analyst: PIV
Area Type: Other
Comment: 1997 WITH PAVILION TRAFFIC
(N-S) LAKEWOOD
File Name: 60LAKE.HC9
8-22-92 PM PEAK
=====
```

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	3	1	1	3	1	1	1	<	1	1	<
Volumes	304	2180	300	140	1693	90	491	682	358	301	372	221
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0		12.0	12.0	
RTOR Vols			0			0			0			0

				Signal Operations					8
Phase combination		1	2	3	4		5	6	7
EB	Left	*	*	*		NB	Left	*	*
	Thru		*	*			Thru		*
	Right		*	*			Right	*	*
	Peds						Peds		
WB	Left	*		*		SB	Left	*	*
	Thru			*			Thru		*
	Right			*			Right		*
	Peds						Peds		
NB	Right					EB	Right	*	*
SB	Right					WB	Right	*	
Green	4A	6A	45A			Green	10A	10A	27A
Yellow/A-R	3	3	3			Yellow/A-R	3	3	3
Lost Time	3.0	3.0	3.0			Lost Time	3.0	3.0	3.0
Cycle Length: 120 secs				Phase combination order: #1 #2 #3 #5 #6 #7					

Intersection Performance Summary									
	Lane	Group:	Adj Sat	v/c	g/c	Delay	LOS	Approach:	
	Mvmts	Cap	Flow	Ratio	Ratio			Delay	LOS
EB	L	1714	143	1.87	0.48	*	*	*	*
	T	5411	2435	0.96	0.45	27.6	D		
	R	1533	984	0.33	0.64	6.4	B		
WB	L	1714	57	1.59	0.41	*	*	*	*
	T	5411	2029	0.90	0.38	26.4	D		
	R	1533	703	0.14	0.46	12.1	B		
NB	L	1714	286	1.64	0.42	*	*	*	*
	TR	1712	571	1.96	0.33	*	*	*	*
SB	L	1714	143	1.85	0.31	*	*		
	TR	1704	383	1.66	0.22	*	*		

Intersection Delay = * (sec/veh)

Intersection LOS = *

* Delay and LOS not meaningful when any v/c is greater than 1.2

TITLE: SR 60/LAKWOOD 1997 WITH PROJECT EXISTING GEOMETRY

METEOROLOGICAL CONDITIONS:

Wind Speed = 1.0 m/s	Stability Class = 4 (D)	Surface Roughness = 108. cm
Wind Bearing = 10. deg	Mixing Height = 1000. m	Averaging Time = 60. min
Temperature = 60.0 F	Ambient Concentration = .0 ppm	

COMMENT: Wind angle will be incremented from 0 to 360 deg by 10.0 deg for worst case analysis.

INTERSECTION INFORMATION:

Type = Signalized	Cycle Length = 120.0 sec	Signal Phases = 6
Delay Links = 0	Non-Delay Links = 0	TFLAG = 0

Intersection Calculational Procedure: CMA Planning

-----LINK SUMMARY-----

Link	Type	Width	Height	VPHI	VSP	NLN	NLTL	HRTL	FLT	FRT	LTFLG	THWIDE	LTHWIDE
1	AG	11.0	.0	894.	10.0	1	1	0	.3400	.2500	1	3.66	3.66
2	AG	29.0	.0	1923.	31.0	3	1	1	.0700	.0500	1	3.66	3.66
3	AG	11.0	.0	1531.	10.0	1	1	0	.3200	.2300	1	3.66	3.66
4	AG	29.0	.0	2784.	10.0	3	1	1	.1100	.1100	1	3.66	3.66

-----TEXIN2 WORST CASE WIND ANGLE ANALYSIS-----

Receptor	XR	YR	ZR	Angle (deg)	CO (ppm)*
1	-15.5	44.7	1.8	170.0	6.0
2	15.5	44.7	1.8	200.0	5.8
3	35.5	24.7	1.8	260.0	6.4
4	35.5	-24.7	1.8	280.0	6.5
5	15.5	-44.7	1.8	330.0	5.7
6	-15.5	-44.7	1.8	10.0	5.3
7	-35.5	-24.7	1.8	70.0	5.4
8	-35.5	24.7	1.8	160.0	5.2

*Includes Background Ambient Concentration of .0 ppm

Streets: (E-W) - LUMSDEN -
Analyst: PIV
Area Type: Other
Comment: 1997 WITH PAVILION TRAFFIC

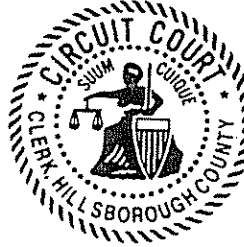
Area Type: Other
Comment: 1997 WITH PAVILION TRAFFIC

Signal Operations				5	6	7	8
Phase combination	1	2	3	4			
EB Left	*	*	*		NB Left	*	*
Thru		*	*		Thru		*
Right		*	*		Right		*
Peds					Peds		
WB Left	*		*		SB Left	*	*
Thru			*		Thru		*
Right			*		Right		*
Peds					Peds		
NB Right					EB Right	*	
SB Right	*				WB Right		
Green	10A	35A	39A		Green	11A	20A
Yellow/A-R	3	3	3		Yellow/A-R	3	3
Lost Time	3.0	3.0	3.0		Lost Time	3.0	3.0
Cycle Length: 130 secs				Phase combination order: #1 #2 #3 #5 #6			

Intersection Delay = * (sec/veh) Intersection LOS = *

* Delay and LOS not meaningful when any v/c is greater than 1.2

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

CERTIFIED MAIL

August 9, 1989

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

Attn: Suzanne Cooper
DRI Coordinator

Re: DRI #148 Development Order - PAVILION - Resolution No.
R89-0184

Dear Ms. Cooper:

Enclosed for your official files, please find an executed copy of the referenced Resolution No. R89-0184, adopted by the Hillsborough County Board of County Commissioners on July 11, 1989.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

ELF:JN

cc: Board files (orig.)
Tom Beck, State Department of Community Affairs
Biff Craine, Esquire (for Folsom Investments, Inc.)
Jeff Miller, H.C. Planning and Zoning
John Wall, Assistant County Attorney

Enclosure

RECEIVED
AUG 14 1989

Tampa Bay Regional
Planning Council

*mailed by Hillsborough Co
August 10, 1989*

Final Approved
July 11, 1989

Resolution No. R89-0184
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #148 DEVELOPMENT ORDER
THE PAVILION

Upon motion by commissioner Padgett, seconded by Commissioner Selvey, the following Resolution was adopted by a vote of 6 to 1 Commissioner(s) Platt, voting "No".

WHEREAS, on January 13, 1988, Folsom Investments, Inc. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Application proposed construction of OFFICE, COMMERCIAL, RESEARCH CORPORATE PARK AND HOTEL uses on approximately TWO HUNDRED AND FORTY-FIVE ACRES, located in CENTRAL Hillsborough County; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; 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 public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the Zoning Code of Hillsborough County (Ordinance 85-10), 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 _____, 1989 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 IN REGULAR MEETING ASSEMBLED THIS 11th DAY OF July, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Folsom Investments, Inc., hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, and Application for Development Approval and Sufficiency Responses 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, Sufficiency Responses and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit A.
- C. The authorized representative of the Developer is Keith J. Stone, Bent Tree Tower, 16475 Dallas Parkway, Dallas, Texas 75248-2661.

- D. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. All development will occur in accordance with this Development Order and Application.
- F. 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.
- G. Pursuant to Chapter 380.06(5)(c), the Developer elects to be bound by the rules adopted pursuant to Chapter 403 and 373 in effect at the time of issuance of this Development Order.
- H. The costs of the required road improvements listed in Option 3 of the Parkway Center Development Order, Resolution No. 87-0334 are substantially greater than the amount of the Parkway Center proportionate share amount. According to the terms of the Parkway Center Development Order, the County may assist Parkway Center in funding the required road improvements. The County is providing such assistance to Parkway Center by allowing a portion of the required road improvements in Option 3 of the Parkway Center Development Order to be included as Option 3 traffic mitigation alternatives for the Developer of the Pavilion DRI. Such assistance by the County is contemplated under the terms of the Parkway Center Development Order and as such no amendment to the Parkway Center Development Order is necessitated by providing such assistance.

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 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 limitation, Hillsborough County has considered the criteria stated in subsection 380.06(14), 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 of the Project are adequately addressed pursuant to the requirements of Section 330.06, Florida Statutes, by 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 designated the area within which the Project lies as UL3 and UL2.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for The Pavilion Development of Regional Impact.

- B. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses 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.
- D. The definitions contained in Chapter 380, Florida Statutes shall govern and apply to this Development Order.
- E. The Development Order shall be binding upon the Developer and his heirs, assigns or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. All of the Developer's rights and responsibilities under this Development Order may be assigned to a successor in interest or an assignee without restriction except as provided herein. It is understood that any reference herein to any governmental agency shall be construed to include 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 governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments 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 The Pavilion, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, 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 as defined by the criteria of Chapter 380.06(19)(b) 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 Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, and may result in Hillsborough County ordering a termination of such development activity pending such review except as otherwise provided herein, or by law.
- 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 and a copy of said findings to TBRPC for their information. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

- K. The Development shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85 as amended. 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 Planning and Zoning Department which 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. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. 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(es) of any heir, assignee or successor in interest to this Development Order.
 5. A statement describing how the Development has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- 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 except as otherwise provided herein, or by law.
- M. This Development Order shall become effective upon transmittal by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes as amended.

IV. SPECIFIC CONDITIONS

- A. Phasing Schedule and Deadlines
1. The development of the project shall proceed in accordance with the following proposed phasing schedule:

<u>Years</u>	<u>Office (Sq. Ft.)</u>	<u>Commercial (Sq. Ft.)</u>	<u>Hotel (Rooms)</u>	<u>Research Corporate Park (Sq. Ft.)</u>
Phase I (1989-1994)*	2,475,000	735,000	350	825,000
Phase II (1994-1999)*	1,075,000	330,000	---	275,000
Total Project	3,550,000	1,065,000	350	1,100,000

* Phase years in ADA were Phase I - 1987-1992; Phase II - 1992-1997.

2. The Developer may decrease Office and/or Research Corporate Park uses and simultaneously increase Commercial and/or Hotel uses pursuant to the formula contained herein without amending this Development Order or providing for a substantial deviation determination. For each 1,000 square feet of Office and/or Research Corporate Park development, the commercial space equivalent shall be 654 square feet and the Hotel development equivalent shall be 2.795 rooms. The total amount of Phase I Office and Research Corporate Park square footage that may be reduced in exchange for increases of other categories as provided herein shall not exceed 825,000 square feet.
3. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Development of Phases I and II may occur anywhere on the site.
4. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval as required by law, which approval shall not be withheld if the terms of this Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth above shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.
5. Development of Phase I of the Project shall be subject to all mitigation requirements and other conditions of this Development Order. Approvals for all or portions of Phase II development shall require a new transportation analysis and air quality analysis pursuant to the requirements of 380.06, Florida Statutes. Should additional mitigation options be available at the time the Developer seeks approval of Phase II, the Developer may elect to amend this Development Order and proceed under such additional options.
6. This Development Order shall remain in effect for a period up to and including July 11, 2002. No development authorized under this Development Order shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty days prior to the expiration date of this Order.

6. The development shall not be subject to down-zoning, or intensity reduction until July 11, 2002, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
7. The deadline for commencing physical development at the project site shall be three (3) years from the effective date of this Development Order. For purposes of this paragraph, "physical development" shall mean commencement of Phase I site preparation and horizontal infrastructure.

B. Transportation

1. When Certificates of Occupancy have been issued for 70 percent of Phase I of the Project (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour and daily-traffic counts at the project entrance shall be instituted to verify that the number of external trips estimated in the ADA for the Project are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report indicates that the total trips exceed volumes projected in the ADA for the Project by more than 15 percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Fla. Stats. If the exceedance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Fla. Stats. will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
2. The developer shall conform to the six stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits and shall monitor them with each annual report.
 - a. Access and internal road geometrics shall accommodate a ninety-six (96) inch wide by forty (40) feet long advance design coach.
 - b. The Developer shall provide shelters and pull-out bays along the on-site transit route. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.
 - c. Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop.
 - d. Maintenance of transit amenities shall be the responsibility of the property owner.
 - e. Details, standards and phasing of all transit amenity provisions must be approved by the Hillsborough Area Regional Transit Authority.
 - f. The developer shall make a good faith effort (documented) to inform potential tenants (leasee) of HART's employer sponsored bus pass program and merchant discounts for HARTline patrons.
3. The Developer, at his option, shall mitigate the impacts of Phase I of the Project on the regionally significant roadway system through one or a combination of the options set forth below. Compliance with the provisions of any of the options

described below has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to the Project on the regionally significant roadway network consistent with Florida Law and rules and policies of the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC). No Certificates of Occupancy may be issued until the requirements of one or a combination of the options have been complied with to the extent required for the increment of development approved.

a. Option 1: Funding Commitment

- (1) Approval of Phase I of the development shall require funding commitments from the responsible entities for the roadway improvements listed in Transportation Tables 1 and 2. Without funding commitments for these improvements, construction permits shall not be issued.
- (2) Alternatively, if funding commitments have been made for specific regional roadway improvements, the Developer may sub-phase the project. Specific amounts of project development will then be approved if the following conditions exist:
 - (a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically approved.
 - (b) Funding commitments for roadway improvements shall be required when the regional roadway operates below LOS D at peak hour and the development contributes 5 percent or more of LOS D at peak hour capacity of the existing facility or such higher percentage as may be applicable upon designation of the project area as an Activity Center pursuant to the Regional Planning Council's adopted growth policy, Future of the Region.
 - (c) A stop order shall be issued before development takes place which triggers the need for roadway improvements pursuant to TBRPC policy, but for which funding commitments have not been assured. A new analysis and/or monitoring shall also be required in this instance.
- (3) Upon the issuance of Certificates of Occupancy for 70% of Phase I of the Project, the developer or its assigns shall submit a Transportation Systems Management (TSM) Plan for approval to FDOT, the Hillsborough MPO, HART and TBRPC. The TSM plan shall be designed to include, but not be limited to, the following policies and objectives set forth in the Florida Transportation Plan:
 - Increase urban area peak hour automobile occupancy rates by 10% by 1995 through expanded ridesharing efforts.
 - Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20% by 1995.
 - (a) If the developer desires the opportunity to seek credit against transportation impact fees for lowering traffic impacts as a result of implementing a TSM program, such program shall include yearly assessment of the actual achievement of vehicle trips

diverted from the peak hour are a result of the TSM measures as part of the project's annual report. Such assessment shall contain sufficient and appropriate documentation for all diversions claimed as a result of the implementation of a TSM program.

Table 1
Phase I (1992) Required Link Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Bloomingtondale Avenue	U.S. 301 to Providence-Lakewood Road	F	36.4	Construct 4-Lane Divided Arterial
Bryan-Kingsway Road	SR 60 to Lithia Pinecrest Road	F	9.3	Construct 4-Lane Divided Arterial
Buffalo Avenue	Orient Road to U.S. 301	F	13.1	Construct 4-Lane Divided Arterial
Buffalo Avenue	U.S. 301 to Faulkenburg Road	E	5.6	Construct 4-Lane Divided Arterial
Buffalo Avenue	Lakewood Drive to Mango Road	F	21.4	Construct 4-Lane Divided Arterial
Buffalo Avenue	Mango Road to Parsons Avenue	F	13.1	Construct 4-Lane Divided Arterial
Causeway Blvd. Lumsden Avenue	78th Street to Project Drive E	F	34.9	Construct 6-Lane Divided Arterial
Causeway Blvd.-Lumsden Avenue	Project Drive E to U.S. 301	F	95.1	Construct 8-Lane Divided Arterial
Faulkenburg Road	SR 60 to Palm River Road	F	28.9	Construct 6-Lane Divided Arterial
Faulkenburg Road	Crosstown Express. to Lumsden Avenue	F	14.6	Construct 8-Lane Divided Arterial
Faulkenburg Road	Lumsden Avenue to U.S. 301	N/A	21.3	Construct 8-Lane Divided Arterial
Faulkenburg Road	Pavilion Road to Brooker Road	N/A	44.6	Construct 6-Lane Divided Arterial
Kings Avenue	SR 60 to Oakfield Drive	F	10.3	Construct 4-Lane Divided Arterial
Lakewood Drive	Windhorst Road to Woodberry Road	E	11.2	Construct 4-Lane Divided Arterial
Lakewood Drive	Woodberry Road to SR 60	F	16.8	Construct 4-Lane Divided Arterial

Table 1 (continued)				
Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Lakewood Drive	SR 60 to Lumsden Avenue	F	17.7	Construct 4-Lane Divided Arterial
Lakewood Drive	Lumsden Avenue to Bloomingdale Avenue	F	6.5	Construct 4-Lane Divided Arterial
Parsons Avenue	Victoria Street to SR 60	E	8.4	Construct 4-Lane Divided Arterial
Parsons Avenue	SR 60 to Oakfield Drive	F	5.6	Construct 4-Lane Divided Arterial
U.S. 301	Causeway Boulevard Project Drive A	F	69.0	Widen to 8-Lane Divided Arterial
U.S. 301	Project Drive A to Project Drive B	E	23.9	Widen to 8-Lane Divided Arterial
I-4	I-75 to CR 579	F	9.7	Construct 8-Lane Freeway
I-4	CR 579 to McIntosh Road	F	7.9	Widen to 6-Lane Freeway
Crosstown Expressway	22nd Street to 39th Street	F	21.3	Widen to 6-Lane Expressway
Crosstown Expressway	39th Street to 78th Street	E	22.6	Widen to 6-Lane Expressway
Crosstown Expressway	U.S. 301 to Faulkenburg Road	F	42.8	Widen to 6-Lane Expressway
Crosstown Expressway	Faulkenburg Road to I-75	F	42.8	Widen to 6-Lane Expressway

N/A: Not constructed at time of analysis

Table 2
Phase I (1992) Required Intersection Improvements for The Pavilion
Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Buffalo Avenue at U.S. 301	E	8.4	Construct third through lane and second left-turn lane NB and SB. Construct second through lane EB and WB.
Buffalo Avenue at Parsons Avenue	E	5.3	Construct second left-turn lane NB and one right-turn lane SB. Construct second through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Lakewood Drive	E	16.0	Construct second through lane and left-turn lane NB and SB. Construct third through lane EB and convert right-turn lane to through-right-turn lane WB.
SR 60 at Kings Avenue	E	11.7	Construct second through lane NB and SB. Construct second left-turn lane and one right-turn lane NB. Construct third and fourth through lane EB. Construct third through lane and convert right-turn lane to through-right-turn lane WB.
SR 60 at Parsons Avenue	E	48.9	Construct second through lane NB and SB and third through lane EB and WB. Construct second left-turn lane SB.
SR 60 at Bryan-Kingsway Road	E	7.1	Construct right-turn lane NB. Convert right-turn lane to through-right-turn lane EB. Construct second left-turn lane EB and third through lane WB.
SR 60 at Mud Lake Road	E	8.8	Signalize when warranted by MUTCD.

Table 2 (Continued)

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 41 at Palm River Road	E	6.4	Construct second left-turn lane SB/
Palm River Road at 78th Street	E	47.5	Construct left-turn lane EB and WB. Construct right-turn lane EB.
U.S. 41 at Causeway Boulevard	E	23.3	Construct second left-turn lane NB and second right-turn lane EB.
Causeway Boulevard at 78th Street	E	17.9	Construct second through lane and one left-turn lane and convert through-right-turn lane to right-turn lane NB. Construct second left-turn lane and one right-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second through lane and left-turn lane EB and WB.
Causeway Boulevard at North Entrance	N/A	N/A	Construct two-left turn lanes and one right-turn lane NB. Construct third through lane and one right-turn lane EB. Construct third through lane and two left-turn lanes WB. Signalize when warranted by MUTCD.
Lumsden Avenue at U.S. 301	E	100.00	Construct third through lane and second left-turn lane NB and SB. Convert right-turn lane to through-right-turn lane SB. Construct third through lane, second left-turn lane, and one right-turn lane EB. Construct third through lane and second left-turn lane WB.

Table 2 (continued)

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Lumsden Avenue at Faulkenburg Road	E	25.4	Construct second through lane and one right-turn lane NB. Construct second through lane and one left-turn lane SB. Convert left-through lane to left-turn lane and convert right-turn lane to through-right-turn lane SB. Construct second left-turn lane and one through-right-turn lane EB. Construct third through lane and second left-turn lane and convert right-turn lane to through-right-turn lane.
Lumsden Avenue at Providence Rd.	E	54.3	Construct second through lane and two left-turn lanes NB and SB. Construct third through lane and second left-turn lane EB. Construct third through lane and convert right-turn lane to through-right-turn lane WB.
Lumsden Avenue at Kings Avenue	E	23.6	Construct second left-turn lane NB. Construct second through lane and convert right-turn lane to through-right-turn lane EB and WB.
Lumsden Avenue at John Moore Road	E	72.6	Construct second through lane NB and SB. Construct second and third through lanes and one left-turn lane EB and WB.
Lumsden Avenue at Bryan-Kingsway Rd	E	52.6	Construct left-turn lane NB, SB, EB and WB. Construct second through lane EB and WB
U.S. 301 at Project Drive A	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.

Table 2 (continued)

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at Project Drive B	N/A	N/A	Construct two left-turn lanes NB and right-turn SB. Construct left-turn lane and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Project Drive C	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and one right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Faulkenburg Road	N/A	40.6	Construct two left-turn lanes NB. Construct left-turn lane and right-turn lane SB. Construct two left-turn lanes, two through lanes, and one right-turn lane EB. Construct two through lanes and one right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Project Drive D	N/A	N/A	Construct two left-turn lanes NB and right-turn lane SB. Construct two left-turn lanes and right-turn lane EB. Signalize when warranted by MUTCD.
U.S. 301 at Brooker Road	N/A	53.5	Construct two left-turn lanes NB and right-turn lane SB. Construct left-turn lane, second through lane, and right-turn lane EB. Signalize when warranted by MUTCD.
Faulkenburg Road at Brooker Road	N/A	22.4	Construct two through lanes and right-turn lane NB and SB. Construct left-turn lane SB and left-through lane EB. Construct two left-turn lanes and through-right-turn lane WB. Signalize when warranted by MUTCD.

Table 2 (continued)

Intersection .	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Lumsden Avenue at Lithia Road	E	34.6	Construct second through lane NB and convert right-turn lane to through-right turn lane SB. Construct right-turn lane EB.
Bloomington Avenue at U.S. 301	E	36.9	Construct second left-turn lane SB.
Bloomington Avenue at Providence Rd	E	20.3	Construct right-turn lane NB. Construct second through lane EB and WB.
Bloomington Avenue at Kings Avenue	E	10.4	Construct second through lane EB and convert right-turn lane to through-right turn lane WB.
Bloomington Avenue at John Moore Rd	E	7.5	Construct right-turn lane EB.
Bloomington Avenue at Bryan-Kingsway Road	E	6.0	Construct left-turn lane EB.
U.S. 301 at Riverview Road	E	41.8	Convert right-turn lane to through-right-turn lane NB. Construct second through lane SB.

N/A: Not constructed at time of analysis

b. Option 2:

- (1) In the event that commitments for transportation improvements are only adequate to permit partial approval of Phase I of the Pavilion development, the capacity and loading of transportation facilities in the south Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Tampa Urban Area Transportation Study ("TUATS"), Metropolitan Planning Organization ("MPO"), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, as amended, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report in Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a peak hour Level of Service D (C peak rural). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval, beyond the initial partial approval set forth in B.3.b.(2) below, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above a peak hour Level of Service D (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below a Level of Service D (C peak rural) at peak hour.
- (2) Under this Option the Developer may construct up to 193,000 square feet of commercial space and a hotel of up to 350 rooms with site access to/from U.S. 301 without demonstrating funding commitments for roadway improvements other than such improvements as may be necessary for obtaining permits for project driveways onto U.S. 301 pursuant to applicable FDOT permitting requirements. The uses specified above have been determined to not cause impacts at other locations on the regional transportation network which warrant mitigation pursuant to TBRPC policy. Construction of said uses may proceed prior to the Developer's election to mitigate transportation impacts under Option 3 below.

c. Option 3: Transportation Impact Mitigation:

In lieu of or in conjunction with the election of Option 1 or 2 above, the Developer may elect Option 3 as set out below by informing the County of such election with copies to TBRPC within ninety (90) days of the Development Order becoming non-appealable. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Project on regionally significant transportation highway facilities within the primary impact area. The selection of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its

consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) Subject to the other provisions of this Option 3, the Developer shall complete design, acquire needed right-of-way, including land needed for related stormwater facilities, and construct the extension of Faulkenburg Road from its proposed intersection with U.S. Highway 301 west and south to an intersection with Brooker Road. The Developer shall design and construct Faulkenburg Road as a six lane divided urban section. In addition, the Developer shall acquire needed right-of-way, including land needed for related stormwater facilities, to expand Brooker Road between U.S. Highway 301 and the proposed intersection at Faulkenburg Road. The Developer shall design and construct Brooker Road as a four lane divided urban section. The Developer shall design and construct the necessary transition from the six lane divided section of Faulkenburg Road to be constructed north of Brooker Road to the four lane divided section to be constructed from Brooker Road south to the northern project boundary of the Parkway Center DRI. The Developer shall work with the developer of the Parkway Center DRI to coordinate this transition section in order that such transition section be provided as soon as possible after completion of the construction of the four lane divided section of Faulkenburg for Brooker Road south to the northern project boundary of Parkway Center DRI. Should Faulkenburg Road not be constructed by Parkway Center by the end of 1993, the obligation under this option to construct such transition lanes shall expire.
- (2) The design work required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Design", and the cost or value of right-of-way and improvements required under paragraph B.3.c.(1) above shall be referred to herein as the "Required Improvements". The cost of the Required Design and the Required Improvements shall be referred to herein as the "Required Improvements Costs."
- (3) The Developer shall initiate the Required Design within thirty (30) days of the election of this option. Subject to acts of God or other occurrences beyond Developer's control, the Developer shall complete the Required Design and acquisition of the right-of-way needed to construct the Required Improvements and apply for all necessary permits on or before eighteen (18) months after the Developer's election to proceed under option 3. Beginning three (3) months after the election of this option, the Developer shall provide quarterly progress reports on the status of the Required Design to the County.
- (4) Within nine (9) months after the commencement of the design, the Developer shall submit to the County the appraised value of the right-of-way not under public ownership which is needed for the Required Improvements. In the event that the Proportionate Share Amount specified in paragraph (7) is substantially insufficient to provide for the Required Improvements Costs, Hillsborough County shall determine whether it shall assist the Developer in funding the Required Improvements Costs. If Hillsborough County elects to not assist the Developer in funding the Required Improvements Costs, the Developer may, within sixty (60) days elect to complete the Required Improvements and receive credit

against future transportation and right-of-way impact fees which may be assessed against the Project.

- (5) The Required Design shall be prepared in a manner normally used in Hillsborough County roadway projects. Approval shall be in accordance with Hillsborough County Standards and the Florida Department of Transportation's Plans Preparation Manual and Standards for Construction. The Required Design period shall not include review by the County and FDOT (for any improvements on State roads) of all plans at 30%, 60% and 90% of completion. The County and FDOT review periods shall not exceed thirty (30) days.
- (6) The Developer shall expeditiously seek final approval of road alignments for all appropriate agencies. Once road alignments for the Required Improvements have been finalized with all appropriate agencies to the extent necessary to identify all needed right-of-way as defined in the Pavilion zoning conditions, which would occur on the land identified in Exhibit "A", the Developer will provide such right-of-way to the County upon request and in exchange for appropriate credit against satisfaction of the proportionate share amount or impact fees whichever is applicable.
- (7) Subject to acts of God or other occurrences beyond Developer's control, developer shall expeditiously commence the construction of the Required Improvements upon approval of the Required Design by FDOT and the Hillsborough County Engineering Department and shall complete such construction on or before 12 months after all necessary approvals and right-of-way acquisition. To ensure that the Required Improvements are completed at the earliest possible time, Hillsborough County shall provide non-financial assistance to the Developer when required in obtaining all necessary permits, approvals and utility relocations, off-site construction easements and rights-of-way necessary to complete said improvements. The County's assistance in acquisition of right-of-way and land needed for stormwater facilities shall include use of its eminent domain powers, but shall not include funding of acquisitions, except as provided for in paragraph (4). Upon completion of the Required Improvements substantially in accordance with the Required Design, Hillsborough County shall accept the Required Improvements and shall assume full responsibility for their maintenance.
- (8) The Developer's Proportionate Share for Phase I of the development has been calculated to be \$4,430,769. Said Proportionate Share has been calculated based on the formula set forth in Rule 9J-2.0255, F.A.C. as interpreted by policies of the Florida Department of Community Affairs, TBRPC, FDOT and Hillsborough County. In no event shall the Developer be required to make dedications, contributions and/or funding commitments for purposes of mitigating regionally significant impacts of Phase I which exceed the total Proportionate Share set forth above.
- (9) In lieu of the requirements under paragraphs B.3.c.(1)-(7) above, the Developer may elect to pay to Hillsborough County, subject to the County's approval, the total costs for the aforesaid Required Design and the Required Improvements, which, for purposes of this development order is estimated to be \$4,430,769 in 1989 dollars, (the "Required Improvements Costs"). If the Developer has completed

any of the Required Improvements prior to payment of costs in accordance with this paragraph, the Required Improvements Costs shall be reduced by the reasonable cost of the design and/or improvements completed. The intent of this paragraph is to enable the Developer to meet its obligations to fully mitigate the traffic impacts of the project under the law by paying the stated sums, which exceed Developer's proportionate share of the costs of the improvements identified in Tables 1 and 2 of this development order, in lieu of constructing the identified improvements if, for reasons beyond the developer's control, it becomes impractical or impossible for the Developer to complete said improvements within the parameters defined herein. If the County accepts payments under this section, it shall use such monies to expeditiously complete the Required Design and/or the Required Improvements and no further building permits shall be issued until the Required Improvements are complete.

- (10) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the Required Design or construction of the Required Improvements. Upon such failure, the Developer shall turn over to the County all design plans, maps, permit applications and any other materials produced which would assist the County in completing the Required Design or construction of the Required Improvements.
 - (11) If the Required Design and Required Improvements or the payment of the Required Improvements Costs as described herein are not provided in substantial compliance with the requirements of this option, development activities and issuance of permits under this option shall immediately cease unless otherwise permitted to continue by Hillsborough County with the concurrence of TBRPC.
4. Should the Developer construct the roadway designated on the General Site Plan as Pavilion Boulevard, the Developer shall make application to the County for the closure of the intersection of 90th Street and Causeway Boulevard during the design of Pavilion Boulevard. In addition, once access from 90th Street to Causeway Boulevard is closed, the Developer shall provide appropriate access to residences on 90th Street to Pavilion Boulevard and shall design and construct a cul de sac at the northern terminus of 90th Street if approved and deemed appropriate by the Board of County Commissioners.
5. Pursuant to law, the Developer shall receive credit for all transportation mitigation expenditures against future transportation and right-of-way impact fees. The application and payment of transportation and right-of-way impact fees in itself does not constitute funding commitments for the required right-of-way dedications and transportation improvements. Any difference between the Proportionate Share Amount and the sum of the costs of the Required Design and the Required Improvements shall be paid in cash prior to the issuance of the final Certificate of Occupancy for Phase I of the Project. Should the difference be substantial the developer may elect to make other improvements of an equivalent value, subject to approval by the Hillsborough County Engineering Department. The Developer's completion of the Required Design and Required Improvements and payment of the Difference, shall be deemed to fully and completely satisfy any and all of its obligations under Chapter 380.06, Florida Statutes, to mitigate the traffic impacts of Phase I of the Pavilion project.

6. A pedestrian circulation system and a bicycle circulation system consistent with applicable standards of the I-75 Corridor shall be provided within the project.
7. Site Access to public streets shall be determined on the following basis:
 - a. The location and design of all project driveways providing access to/from U.S. Highway 301 or Causeway Boulevard shall be subject to approvals pursuant to applicable permitting requirements of the Florida Department of Transportation (FDOT) and the approved General Site Plan. The location and design of driveways providing access to/from all public streets in or adjacent to the project site shall be subject to Hillsborough County review and approval in conjunction with detailed site plan approvals for individual development tracts.
 - b. Beginning with the first detailed site plan and continuing throughout buildout of the Project, the following analysis shall be provided with the submittal of the detailed site plan:
 - (1) An estimate of the vehicular traffic to be generated by the increment of development proposed for the coming year during the p.m. peak period;
 - (2) An estimate of the amount of traffic traveling to/from the new increment of development during the p.m. peak period, at each previously approved and proposed project access to U.S. 301, Causeway Boulevard, Faulkenburg Road or Brooker Road.
 - (3) An analysis pursuant to an agreed methodology of the operating condition at buildout and full occupancy of the new development increment and all previously approved development in the project for each access in B.7.b.(2) above where the estimate of traffic to/from the new increment is equal to or greater than ten (10) percent of the total vehicular traffic generated by the new increment during the p.m. peak period.

Upon commencement of the annual monitoring program required by Section IV.B.1. of this order, the above analysis may be performed and submitted as part of the annual report.

- c. The report shall be prepared consistent with accepted traffic engineering practices and a copy of approval of detailed site plans for increments of development in the coming year shall require a determination by Hillsborough County that such report demonstrates the ability of each project access in B.7.b.(2) above to accommodate the additional traffic of the new increment without causing the affected regionally significant roadways listed in B.7.b.(2) above to operate at below (worse than) the minimum acceptable level of service standard for such roadways as are established in the Capital Improvements Element of the adopted comprehensive plan of Hillsborough County.

C. Air Quality/Wind and Water Erosion

1. The Developer shall undertake the measures referenced on page 13-5 and 13-6 of the ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during all phases of development.
2. The applicant shall provide an air quality impact analysis for each Phase of the Project consistent with the Florida

Department of Environmental Regulation (DER) guidelines, and subject to review by DER, the Hillsborough County Environmental Protection (HCEPC) and TBRPC prior to the issuance of building permits for that project phase. Any exceedances of ambient air quality standards due to the adverse impacts of the Project shown in the analysis shall be mitigated prior to the issuance of building permits for the amount of development which triggers the exceedance. Proposed mitigation measures shall be submitted to DER, HCEPC and TBRPC for review and comment. Required mitigation measures shall be established by amendment to the Development Order.

3. Continuous carbon monoxide and/or ozone monitoring shall be conducted by the applicant for a period of one year after Development Order approval, in order to determine ambient air quality at The Pavilion site as requested by the HCEPC. A temporary single site monitor may be utilized.
4. If the Developer chooses the pipeline option for traffic impact mitigation, the air quality impact analysis for Phase II shall be based upon parameters consistent with that option. Air quality impact analysis shall not be based on the improved roadway network set forth in response to Question 31 of the ADA, unless all such roadways have been built or funding commitments by a responsible entity are confirmed.
5. The applicant shall notify all tenants of their responsibility to comply with all of the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
6. Hillsborough County shall reserve the right to require mitigation measures to alleviate any adverse impacts of the project on ambient air quality.

D. Soils

1. The methods discussed on page 14-1 of the ADA to overcome problems associated with the particular soil types occurring on-site shall be implemented.
2. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-5 and 14-6 of the ADA, at minimum, shall be implemented.

E. Stormwater Management and Water Quality

1. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits the Master Stormwater Management Plan and supporting calculations shall be submitted to TBRPC and DER for review and to Hillsborough County and SWFWMD for approval. The Development's stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The appropriate Hillsborough County stormwater drainage system drainage criteria to be used is that which is in effect at the time of submittal and review of construction plans for a particular phase of the project.
2. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40-D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. All necessary drainage and access easements shall be donated to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with

particular parcel or phase must be fully executed and recorded prior to certificates of occupancy.

4. The Developer shall operate and maintain all on-site stormwater management facilities for the Development unless otherwise required or requested by the County.
5. In order to protect water quality the Developer shall implement Best Management Practices as recommended by the County and SWFWMD, including a street cleaning program for the parking and private roadway areas within the development.
6. In order to protect water quality there shall be no degradation of water quality standards from stormwater exiting the site. If the regulatory agencies with jurisdiction deem a water quality monitoring program necessary prior to ground-breaking or subject to buildout, the Developer shall provide a surface water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3, Florida Administrative Code, shall require corrective measures as set forth by FDER. The following shall apply.
 - a. Sampling locations and frequencies shall be determined in cooperation with Hillsborough County, FDER and SWFWMD.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
 - c. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, all construction within the subbasins where the violation is noted shall cease until the violation is corrected, or if specific construction activities can be identified as causing the violation, all such activity responsible for the exceedance shall cease until the violation is corrected.
7. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

F. Environmental and Natural Resources

1. Areas illustrated as "Conservation" on the zoning General Site Development Plan denote the general location and extent of areas which include certain wetlands that meet the definition of conservation areas in Section 10.3.1 of the TBRPC adopted growth policy, Future of the Region. The specific location and extent of such conservation areas shall correspond to those areas that fall within the jurisdiction of one or more of the agencies having authority to regulate development activity for purposes of protecting wetland resources. Alterations or removal within such areas shall be subject to applicable regulations of these agencies.
2. In order to protect the natural values of conserved wetland areas, the following shall be required:
 - a. Except as otherwise permitted by agencies having jurisdiction:
 - (1) A wetland/lake management plan shall be submitted to Hillsborough County and TBRPC for review and to DER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be conserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.

- (2) No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in conservation areas as identified on the General Site Development Plan submitted to Hillsborough County. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be required semiannually in selected wetlands beginning immediately and continuing for three years following build-out of the subbasin surrounding each wetland monitored. The monitoring sites shall be selected in cooperation with Hillsborough County, SWFWMD, DER and TBRPC. Should conservation areas be stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed unless otherwise approved by agencies having jurisdiction.
 4. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.
 5. All mitigation areas and littoral shelves shall be monitored twice yearly for a period of four years. Monitoring shall include measurements of species diversity and composition and the control of nuisance species encroachment. Additional planting shall be accomplished to maintain an 85% survival of planted species at the end of three years.
 6. Nothing herein shall be construed to interfere with the ability of the Developer to perform any construction, modification or alteration activities contained in any consent order entered into by the Developer and any appropriate regulatory agency.
 7. A representative tract of mesic oak hammock and hydric oak hammock, as listed on page 18-1 of the ADA, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.
 8. In the event that any species listed in Sections 39-27.003-.005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
 9. There shall be no net loss of hydrologic storage capacity in the 100-year flood plain.

G. Public Facilities

1. Water-saving devices shall be required in the project (as mandated by the Florida Water Conservation Act Section 533.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping wherever feasible.
2. Prior to detailed site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan are options to ensure the provision of acceptable fire flows. No commercial site plans shall be approved without verification from the Hillsborough County Fire Department that sufficient firefighting facilities/manpower/equipment required to serve the project are available.

3. The Developer shall be required to utilize public water, and public sewer and shall pay all required costs to connect for service delivery. The Developer shall submit to the County Department of Development Review prior to the issuance of Zoning Compliance Permits, evidence of a current commitment from the City of Tampa Department of Water and Wastewater Utilities to provide public water and public sewer services, and evidence of agreement to pay necessary costs and to meet any other terms of the commitment such as depicted easements to enable the City to provide public water and public sewer service delivery.
4. Prior to issuance of detailed site plan approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Medical Services capabilities and facilities are available to service the development.
5. The Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall identify a plan for using non-potable water for irrigation in the first annual report following issuance of the first Certificate of Occupancy submitted to Hillsborough County and the TBRPC.
6. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
7. Septic tanks may be permitted on a temporary basis for construction purposes only, subject to local regulations.
8. The installation of any on-site well as a source of potable water shall require a substantial deviation determination pursuant to Subsection 380.06(19)(a), F.S., unless required by Hillsborough County.

H. Hazardous Waste

1. Large quantity generators of hazardous substances shall implement a site-specific surficial aquifer monitoring program as required by DER, EPC and Hillsborough County. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle such quantities of hazardous wastes, to minimize hazards to human health and the environment. Such plan shall describe the procedure and actions required of facility personnel, as well as describe the necessary arrangements agreed to by local EMS, fire, police departments and hospitals and shall be included in the first annual report following occupancy of such use within the park.
2. All temporary hazardous waste storage facilities shall meet the criteria set forth in applicable federal, state and local regulations.
3. Hazardous waste storage areas within the project shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials.
4. The Developer shall develop a program which will emphasize the education of tenants to the existence of laws and regulations which govern the storage, generation, use, transportation and disposal of hazardous materials, and inform potential tenants of applicable state and federal regulations and tenants' responsibilities in complying with such regulations.
5. All Pavilion owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

I. Hurricane Evacuation

1. 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 that safe and orderly evacuation of residents and employees when a Level E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of the hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.

J. Energy Conservation

1. All Pavilion tenants, businesses, residents, etc. shall be encouraged to:
 - a. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
 - b. obtain energy audits provided by energy companies or other qualified agencies;
 - c. install water heaters timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. use landscaping and building orientation to reduce heat gain, where feasible, for all Pavilion construction;
 - e. promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - f. reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. institute and utilize recycling programs;
 - h. utilize energy efficient packaging and/or recyclable materials; and
 - i. install total energy systems on large facilities when cost effective.
2. A report on the use of the energy conservation measures referenced on page 25-4 of the ADA and other recommended energy conservation measures shall be included in each annual report.

K. Equal Opportunity

1. The Developer shall encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

L. Historical or Archaeological Resources

1. The discovery of any historical or archaeological resources shall be reported to Hillsborough County and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

M. Housing

1. To address the housing policies of the State Land Development Plan, the Developer shall analyze the impact on affordable housing by the Development, including Phase I, prior to the commencement of Phase II. If the analysis shows that the Development will have significant negative impacts on affordable housing demand, the Developer shall fund an affordable housing study and draft a Housing Affordability Plan (HAP). The HAP shall be consistent with the County Comprehensive Plan and County land development regulations and shall identify policy alternatives directed at meeting the affordable housing needs of the area.

At a minimum, the HAP shall address:

- a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.
- b. Specific mechanisms for HAP implementation.
- c. Monitoring.
- d. Location and placement of affordable units.
- e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.
- f. Provisions for crediting the Developer for activities that address affordable housing.

N. General

1. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superceded by specific terms of the Development Order.
2. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.
3. Excess infrastructure capacity constructed to potentially serve Phase II shall not vest latter phase development rights.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is true and correct copy of a Resolution adopted by the Board at its Regular meeting of July 11, 1989 as same appears of record in Minute Book 158 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9 day of August, 1989.

RICHARD AKE, CLERK
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Deputy Clerk

Approved as to legal form
and sufficiency

By: John D. [Signature]
County Attorney's Office

W-LU/1442/086/DRI148H

ATTACHMENT 1

DRI #148

THE PAVILION (A/K/A LUMSDEN/301)

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

GENERAL PROJECT DESCRIPTION

1. Parking facilities will, at a minimum, satisfy parking requirements set forth in the Hillsborough County Zoning Code. (ADA, p. 12-9)
2. Folsom proposes to establish privately-administered development controls and design criteria for purposes of promoting objectives for The Pavilion. These controls and criteria would be in addition to all public regulatory provisions which will also apply in order to protect general public interests. (ADA, p. 12-10)
3. The project will incorporate buffering techniques required by the Hillsborough County Zoning Code and the Hillsborough County Land Alterations and Landscape Ordinances. (FSR, p. I-11)
4. Structural parking is planned, although specific amounts and locations have not been determined at this time. (FSR, p. I-16)
5. The applicant intends to plan individual sites so as to comply with the Hillsborough County Zoning Code and Land Alteration and Landscape Ordinance. (FSR, p. I-17)
6. Map H delineates a general scheme for distribution on the site of various mixed use development concepts. This will serve as a guide for development of parcels so as to achieve good functional relationships of use areas to each other. (FSR, p. I-17)
7. Appropriate construction techniques will be used to minimize adverse impacts to adjacent residential areas during construction of the project. Such techniques, as

well as permanent buffering from adjacent properties, must, at a minimum, comply with County regulations which are intended to provide protection for surrounding property. (FSR, P. I-21)

8. The approved plan will include height limitations that the County determines to be appropriate and consistent with those (I-75 Corridor Plan) standards and regulations. (TSR, p. 4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

1. The applicant proposes to lay out site access and internal circulation so as to provide convenient, efficient traffic movement for planned uses and also to minimize vehicle-generated pollutants. One such strategy will be to plan a network that can facilitate dispersion of traffic to various entry/exit points so that congestion and starting delays may be avoided. Parking facilities are also planned for broad distribution around the site and at distances from intersections that would lessen the likelihood of pollutant concentration. (ADA, p. 13-5)

Soil

1. Limitations with respect to pond embankments and reservoirs will be overcome through design and construction of proper side slopes to improve stability and alleviate flooding problems, and through sod replacement and suitable soil stabilizers on embankments to further stabilize the soil. (ADA, p. 14-1)
2. To the extent possible, elevations would be attained by normal grading on individual sites so as to minimize movement of material. Material from lake excavation would be employed in the same manner when suitable for use. (FSR, p. I-28)
3. As final design of the site proceeds, further subsurface investigations will be performed in proposed pond areas, and building and parking areas. The geotechnical firm will recommend the procedures necessary to determine design criteria based on

their experience. (SR, p. I-29)

Water Quality/Drainage

1. Stormwater facilities will be developed pursuant to the requirements of Hillsborough County and FDER. (ADA, p. 15-3)
2. Water quality treatment will be provided within the site in accordance with Chapter 17-25 of the Florida Administrative Code in order to avoid degradation of water quality in the ultimate receiving waters. (ADA, p. 22-8)

Wetlands

1. The existing interior wetland system along with the existing on- and off-site drainage ditches now act as groundwater control. The operating levels of the proposed stormwater detention facilities within the site will be staged to maintain the viability of these systems. (ADA, p. 22-8)
2. The wetlands may be used for stormwater quantity and quality treatment as determined at the time of final drainage design. In such event, the applicant would file for approval and comply with approval requirements which typically include maintaining hydroperiods of existing wetlands and construction phase precautions, such as installation of silt barriers and use of hay bales. (SR, p. I-36)
3. The current hydroperiods of the on-site wetlands have not been determined at this time. However, this information will be established in the course of final drainage design. At that time, planning design approaches to restore and/or maintain natural hydroperiods will be presented to the jurisdictional agencies, as required, for their approval and inclusion into final design. (FSR, p. I-39)
4. The applicant plans to mitigate for wetland losses in accordance with Hillsborough County EPC Chapter 1-11, SWFWMD, FDER and ACOE. Plans to meet those requirements will be prepared and submitted to the appropriate agencies at the time of site plan/construction plan review. (FSR, p. I-39)

5. Folsom proposes to comply with the Wetlands Rule 9CH. 1-11. (FSR, p. I-40)
6. Folsom proposes to file a detailed Mitigation Plan with EPC at the appropriate time. (FSR, p. I-40)
7. Upon completion of the final site plan and final master drainage design, a determination as to whether the wetlands will be used for stormwater treatment will be established. If off-site runoff is commingled with the onsite runoff, the required additional treatment will be provided. (FSR, p. I-60)

Historical and Archaeological

1. No archaeological resources have been found on the Pavilion site. Any evidence of such resources observed during project construction will be reported to appropriate authorities. (ADA, p. 19-1)

PUBLIC FACILITIES

Drainage

1. The final design of the master drainage facilities will be in accordance with the guidelines of the governing regulatory agencies, and subject to their review and approval. (ADA, p. 22-4)
2. The primary detention and conveyance facilities within the site will be designed to accommodate the future condition runoff from the 25-year 24-hour storm event, and will be in accordance with SWFWMD and Hillsborough County regulations. (ADA, p. 22-4)
3. Systems to collect and convey surface runoff from individual sites to the primary drainage facilities will be designed for the 3-year event as required by the Hillsborough County using the rational method. (ADA, p. 22-5)

4. If it is determined that wet detention is to be used for water quality treatment, detention of runoff will be in accordance with Chapter 17-25, FAC and/or Chapter 40D-4/40 as applicable. The volume of storage that may be necessary will be provided for in the ponds. (FSR, p. I-61)
5. The stormwater detention system will be designed to treat and manage runoff. (FSR, p. I-62)
6. The applicant plans to follow the appropriate stormwater design criteria in preparing plans for review and approval by Hillsborough County Stormwater Department at the time of construction plan review for each element of the project. (FSR, p. I-62)
7. Easements for facilities to drain the site will be provided for and conveyed to the County as required by County policy in effect at the time of construction plan submittal and review where the County will assume operational and maintenance responsibilities. (FSR, p. I-62)
8. The applicant plans to design for post-development discharge at equal to or less than pre-development conditions in accordance with SWFWMD guidelines. (FSR, p. I-63)
9. The applicant plans to design the drainage system in accordance with Hillsborough County criteria, which at present would call for the 25-year/24-hour post development discharge rates to not exceed the existing condition 10-year/24-hour peak discharge rate. (FSR, p. I-64)

Wastewater

1. Use of treated effluent for landscape irrigation is not presently being considered for Lumsden/301, however, the applicant would consider this service if the County determines it to be necessary and/or desirable and it is found to be a beneficial alternative for the development. (ADA, p. 21-3)
2. The applicant intends to file for permits for well construction activities associated

with the project, i.e., irrigation well construction, groundwater heat pump systems, and abandonment of existing wells, at the appropriate time. (FSR, p. I-1)

3. The applicant plans to adhere to all rules and regulations concerning irrigation wells. (FSR, p. I-66)

Recreation and Open Space

1. Any common open space areas will be owned and maintained by the applicant or an owners association except where local governments elect to accept ownership and maintenance responsibilities of facilities that provide broad public uses or benefits. Open space on individual tracts would become a maintenance responsibility of the tract owner or tenant. (27-1) (ADA, p. 27-1)
2. The applicant is aware of and does intend to meet open space requirements set by zoning, which must be found to be consistent with criteria of all applicable land use categories. (I-77) (SR, p. I-77)

Fire

The project design will include provisions of adequate water supply to satisfy fire flow requirements established by Hillsborough County. (ADA, p. 30-1)

Transportation

1. Transit design considerations such as bus bays, turn-outs as well as critical and back-of-curb radii will be incorporated into the design of the project. (ADA, p. 31-5)
2. The applicant is willing to discuss such joint use possibilities with FDOT, possibly as one means to mitigating traffic impacts of this project. (SR, p. II-39)
3. We understand that acceptance of that analysis for use in preparing development order recommendations will not signify FDOT's concurrence in the proposed access plan, and we also understand that individual access points may be subject to future

permitting procedures even after the DRI is approved. (provided, response to FDOT question 1.)

3. We understand that when determining proportionate shares for impacted facilities on the State Highway System lying generally south of Symmes Road, a LOS C rural peak hour standard should be calculated and used where applicable. (SSR, no page numbers provided, response to FDOT question 3.)

ADA - Application for Development Approval

FSR - First Sufficiency Response

SSR - Second Sufficiency Response

TSR - Third Sufficiency Response

COMPOSITE EXHIBIT "A"
The Pavilion Development Order
Application for Development Approval and
Sufficiency Response

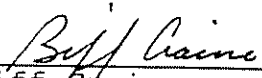
AFFIDAVIT

STATE OF FLORIDA
HILLSBOROUGH COUNTY

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Biff Craine, as attorney for Folsom Investments, Inc., the applicant/owner of the Pavilion DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

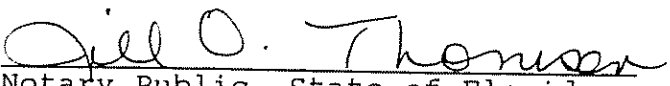
1. Folsom Investments, Inc. filed its application for development approval for The Pavilion on January 13, 1988. The sufficiency response was filed on July 8, 1988 with supplements filed on July 29, 1988, October 6, 1988, and December 2, 1988.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC").



Biff Craine
Attorney for Folsom Investments,
Inc./The Pavilion

Sworn to and subscribed before me this 8th day of August, 1989.



Notary Public, State of Florida
at Large

daily/affidavi

My Commission Expires **NOTARY PUBLIC, STATE OF FLORIDA**
MY COMMISSION EXPIRES AUGUST 3, 199
BONDED THRU TROY FAIN INSURANCE, INI