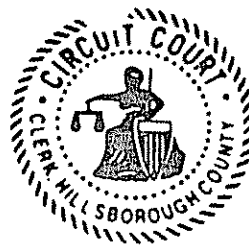


Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



#84a

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd
PO Box 1110
Tampa, Florida 33601
Telephone 276-8100 ext 6730

January 7, 1999

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

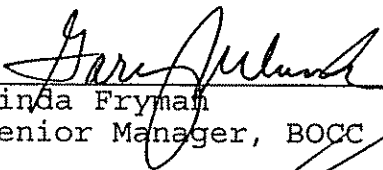
Re: Resolution No. R98-265 - Amending the Development Order for
Westchase (f/k/a Thomas Ranch) (DRI #84)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
December 8, 1998.

We are providing this copy for your files.

Sincerely,


Linda Fryman
Senior Manager, BOCC Records

LF:SAB
Attachment
Certified Mail

cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Erin Larrinaga, Atty., Fowler & White, et al
Susan Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. R98-265

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a/THOMAS RANCH)

Upon motion by Commissioner Norman, seconded by Commissioner Turchanik the following Resolution was adopted by a vote of 6 to 0.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multi-use project, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, held a duly noticed public hearing on said application for development approval and heard and considered testimony and other documents and evidence; and

WHEREAS, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Chapter 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, Westchase Associates, a successor in interest to the original developer, filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, for the Thomas Ranch portion of Westchase; and

WHEREAS, on July 14, 1992, the Board of County Commissioners adopted Resolution No. R92-0165 approving the revised Development Order; and

WHEREAS, on July 29, 1992, Westchase Associates filed an Application for Increment Approval to amend the Development Order in accordance with the actions of the Board of County Commissioners in Resolution No. R92-0067; and

WHEREAS, on March 22, 1994, the Board of County Commissioners adopted Resolution No. R94-0076 approving the Application for Increment Approval; and

WHEREAS, on December 9, 1994, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase; and

WHEREAS, on April 11, 1995, the Board of County Commissioners adopted Resolution No. R95-082, approving the revised Development Order; and

WHEREAS, on May 8, 1998, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase; and

WHEREAS, on July 28, 1998, the Board of County Commissioners adopted Resolution No. R98-150, approving the revised Development Order; and

WHEREAS, on September 17, 1998, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase (the "Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addresses the following changes:

1. Designate the southeastern quadrant of the Development for Mixed Use development;
2. Reconfigure the collector roadway running through the southeast quadrant;

3. Incorporate an approximately nineteen (19) acre parcel into the Development;
4. Add single family residential and multi-family residential as additional approved uses to areas designated on Map "H" as Sections 123, 125 and 233.
5. Change the internal configuration of the spine road for Sections 302, 303, and 304;
6. Provide an additional curb cut on Linebaugh Avenue, to allow right-in/right-out egress and ingress for Section 231;
7. Specifically approve IIIB and Phase IV, to permit an additional: (1) 773 residential units; (2) 49,000 sq. ft. of commercial uses; and (3) 191,000 sq. ft. of office uses.
8. Contract the boundaries of the Westchase f/k/a Thomas Ranch DRI #84 (this change is accompanied by a simultaneous expansion of the boundaries of the portion of Westchase composed of the vested Bayport Colony, Tract "A").

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 8th day December, 1998, AS FOLLOWS:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Whereas Clauses are incorporated herein and made a part hereof, as if fully restated.
 - (b) The following changes are presumed to constitute a substantial deviation to a previously approved Development of Regional Impact:
 - (i) The addition of one approximately nineteen (19) acre parcel to the Development; and
 - (ii) The contraction of the boundaries of the Westchase f/k/a Thomas Ranch DRI #84 (accompanied by the simultaneous expansion of the boundaries of the Bay Port Colony, Tract "A" vested project).

The Developer has provided clear and convincing evidence to rebut the presumption that these changes constitute a substantial deviation.

- c) Pursuant to Section 380.06(19) Florida Statutes, the Map "H" modifications referenced in the Notice of Proposed Change, the specific approval of Phase IIIB and Phase IV, and the modifications to the Development Order conditions, are presumed not to create a substantial deviation to the previously approved Development of Regional Impact. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

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

- (a) The amendment of the Development Order to add one approximately nineteen (19) acre parcel to the Thomas Ranch DRI, and the reconfiguration of the boundaries of the Thomas Ranch DRI, as a result of the redistribution of acreage within Thomas Ranch and Bay Port Colony, Tract "A", does not constitute a substantial deviation requiring further development of regional impact review.
- (b) The amendment of Map "H" to allow the development of the southeast quadrant with Mixed Use development, to adjust the configuration of the internal roadway system, and to add an internal access point, does not constitute a substantial deviation requiring further development of regional impact review.
- (c) The amendment of the Development Order conditions to incorporate the remaining changes indentified in Exhibit "A", including the specific approval of Phase IIIB and Phase IV, and the acceleration of Phase IV, does not constitute a substantial deviation requiring further development of regional impact review.
- (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
- (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a/ Thomas Ranch) Development

Order, as hereby amended, the reports, recommendations and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:

- (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan;
 - (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan.
3. That having made the above findings of fact and drawing the above conclusions of law, it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof, and Map "H" is hereby amended as provided in Exhibit "B" attached hereto and made a part hereof.
 4. The Westchase (DRI #84) Development Order, as amended herein, as hereby affirmed in its entirety.
 5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
 6. The Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1997).
 7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of December 8, 1998, as the same appears of record in Minute Book 271 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of January, 1999.

RICHARD AKE, CLERK



By: [Signature]
Deputy Clerk

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

H:\EML\Wc\NOPCtnd\BOCC.Res

EXHIBIT "A"
DEVELOPMENT ORDER CONDITIONS
FOR
THOMAS RANCH DRI

NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992, March 22, 1994, April 11, 1995, July 28, 1998, and December 8, 1998.

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ. FT.	COMMERCIAL GROSS SQ. FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1995-June 1, 2003)		100,000	410
Phase IIIA (1995-June 1, 2008)		150,000	1142
Phase IIIB (1995-June 1, 2008)	152,000		
Phase IV (1998-June 1, 2008)	39,000	49,000	773
TOTAL	240,000	349,000	3,650

If the developer elects to amend the phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate

of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site began within three (3) years of the effective date of this Development Order.
4. Specific approval is hereby accorded for Phase I, IIA, IIB, IIIA, IIIB, and IV.
5. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

B. TRANSPORTATION

1. Specific development approval is accorded pursuant to the conditions contained herein for the "Approved Phases." The "Approved Phases" shall at maximum consist of 3650 Residential Units, 240,000 square feet of office uses, and 349,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips. Total approved PM Peak Hour trips are 3,430 trips, consisting of 1,966 entering trips, and 1,464 exiting trips. Any proposed increase to the total number of external vehicle trips generated by the development shall be reviewed pursuant to Section 380.06 (19), Florida Statutes.
2. The Developer has constructed improvements at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. A

traffic signal for this location has been funded and construction has been completed. These improvements are of total benefit to the project.

3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I through IIIA are not exceeded. Counts will continue on an annual basis through the "Approved Phases," and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the Developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be indicated. Further, as part of the monitoring program, the Developer has completed a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.
4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and further conditions required by the County.
5. The Developer has cured and mitigated the impacts of the "Approved Phases" of this development on transportation facilities by designing and constructing the extension of Linebaugh Avenue from Sheldon Road west to Racetrack Road. The selection of this mitigation/curing mechanism was 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated to be \$5,634,543 in 1989 dollars.
6. The Linebaugh Roadway Extension extends from Sheldon Road in a northwesterly direction to the western property boundary and then in a

westerly direction to Racetrack Road. The Linebaugh Extension serves as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a completed project on Hillsborough County's MPO Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.

A. Right of Way of Linebaugh Extension

The Developer has provided 128 feet of right-of-way as illustrated on the amended conceptual development plan. Hillsborough County provided the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection was determined as part of final design in cooperation with the Hillsborough County Engineering and Construction Management and Real Estate Departments.

B. Permits

The Developer shall be the permittee on all applicable construction and design permits and shall obtain all such permits from the appropriate regulatory departments and/or agencies. The applicant has transferred and the County has accepted all applicable permits.

7. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of the first phase.
8. This Development Order does not exempt the Development from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 380.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

In the event that Developer required improvement expenses (which are creditable as described above) exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against the applicable transportation impact assessments for future development.

9. The Developer has deeded to the County 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
10. The Developer has provided to the County, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within the subject DRI.
11. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the Hillsborough County MPO 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
12. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Planning and Growth Management.
13. Except as otherwise provided by Law, the application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
14. A pedestrian circulation system and a bicycle circulation system have been provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
15. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner of Linebaugh Avenue Extension and Countryway Boulevard, and/or the 10.9 acre tract at the intersection of Countryway Boulevard and Ehrlich Road. Developer shall institute an annual monitoring

program to address trip generation and trip distribution measures at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above than projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06(19), Florida Statutes.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development which generates external traffic in excess of that approved for Phase IIIA, the Developer shall provide Hillsborough County Environmental Protection Commission and the Hillsborough County Planning and Growth Management Department for review and to the Florida Department of Environmental Protection, a completed and technically acceptable air quality monitoring assessment.

The air quality modeling program shall be for carbon monoxide at intersections significantly impacted by this development. Those intersections determined to be significantly impacted, through a transportation analysis, per F.S. 380.06, will be screened using Florida Department of Environmental Protection procedures. If potential problem intersections are identified, a selected group of intersections as agreed upon by Hillsborough County Environmental Protection Commission, the Florida Department of Environmental Protection and the Hillsborough County Planning and Growth Management Department, will be modeled using currently accepted analysis procedures.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Protection for approval, and to the Hillsborough County Planning and Growth Management Department for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by the Department of

Environmental Protection and the Hillsborough County Environmental Protection Commission.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Preliminary Plat for each development pod, to serve as conservation areas and shall be sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be designated on the Preliminary Plat for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
5. Prior to the issuance of any building permits, a conceptual Master Drainage Plan for Thomas Ranch was submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DEP, and SWFWMD. The conveyance criteria for major outfalls passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and continue to be constructed and

maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD prior to or coincident with the development of each pod.

6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines CMRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year flood plan area, as delineated on Map C of the ADA which results in a significant adverse impact on predevelopment on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
 - (f) There shall be no degradation of stormwater quality existing the site as a result of the on-site stormwater management system. To this end the Developer shall continue a surface water quality monitoring program as specified below, or some other comparable program mutually acceptable to SWFWMD, DEP, Hillsborough County EPC and the Hillsborough County Planning and Growth Management Department:
 - (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.

- (2) Stations shall be grab sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)

Temperature (deg C)

Specific Conductance (uohm/cm @ deg C)

Dissolved oxygen (mg/1)

Nutrients

- total phosphorous (mg/1)
- ortho-phosphate (mg/1)
- TKM (mg/1)
- nitrate/nitrite (mg/1)
- ammonia (mg/1)
- total organic carbon (mg/1)
- suspended solids (mg/1)
- biological oxygen demand (mg/1)
- coliform bacteria (MPN)
- oils and greases
- total lead as PB (ub/1)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control Standards and Requirements.
- (5) The applicant shall provide all results of the biannual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.

- (g) The Developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following has been completed:

- (a) The Developer has submitted a wetland lake management plan to be implemented during construction and after completion of the project. The plan addresses the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
 - (b) No hydroperiod alternation shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C-3. In the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.
 - (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DEP, if it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
 - (d) The stormwater drainage system of the project has incorporated wetlands on-site; no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area".
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
 - 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
 - 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.

11. The Developer has submitted a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Planning and Growth Management of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored and disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer has prepared a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closing, security and safety measures, and evacuation plans. This plan was included in the first annual report submitted after occupancy of the project.

G. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
 - (1) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
 - (2) If feasible, the Developer shall utilize MultiFamily Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

H. Traditional Neighborhood Development

Section 500 is permitted for traditional neighborhood development (TND), as an alternative to conventional development. Permitted uses within the TND portion of the project shall consist of single family detached, single family detached zero-lot line, single family attached, duplex, and multi-family residential uses, commercial, office, cultural and recreational uses, as more specifically defined pursuant to the zoning conditions and General Site Development Plan (GSDP) approved by Hillsborough County. The characteristics defining the TND will include "pedestrian-friendly" design, incorporating a street network which will provide linkages interconnecting internal neighborhoods and the surroundings via a basic grid network of access and open space components. The TND will consist of a town center area, and at least one mixed-use residential area. Commercial, office,

cultural and institutional uses, as more specifically defined pursuant to the zoning conditions and GSDP, approved by Hillsborough County, shall be allowed within the town center area. A mix of residential types, as well as residential scale retail and other approved uses shall be allowed within the mixed use residential area(s).

K. General

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(19), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.
4. The term "Developer" as used herein shall mean the Developer, its heirs or assigns, or successors in interest, or any applicable Community Development District, Homeowners or Property owners Association established over the property included within this Development Order.

H:\EML\WC\NOPC\nd\DO.NEW



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Clerk to Board of
County Commissioners
County Center 12th Floor
601 E. Kennedy Blvd
PO Box 1110
Tampa Florida 33601
Telephone 276-8100 ext 6730

August 26, 1998

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

Re: Resolution No. R98-150 - Amending the Development Order for
Westchase (f/k/a Thomas Ranch) (DRI #84)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on July 28, 1998.

We are providing this original for your files.

Sincerely,

Linda Fryman
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs
Erin McCormick Larrinaga, Esq. - Fowler, White, Gillen, P.A.
Susan Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

AUG 28 1998

RESOLUTION NO. R98-150

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a/THOMAS RANCH)

Upon motion by Commissioner Norman seconded by Commissioner Turanchik the following Resolution was adopted by a vote of 6 to 0.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multi-use project on approximately one thousand four hundred and fifty-one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, held a duly noticed public hearing on said application for development approval and heard and considered testimony and other documents and evidence; and

WHEREAS, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Chapter 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, Westchase Associates, a successor in interest to the original developer, filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, on July 14, 1992, the Board of County Commissioners adopted Resolution No. R92-0165 approving the revised Development Order; and

WHEREAS, on July 29, 1992, Westchase Associates filed an Application for Increment Approval to amend the Development Order in accordance with the actions of the Board of County Commissioners in Resolution No. R92-0067; and

WHEREAS, on or before March, 1993, the East-West Connector between S.R. 584 and Racetrack Road was commenced within Pinellas County, therefore, the requirements of Section IV.B.6.D.11 of the Development Order for the Thomas Ranch portion of Westchase have been satisfied; and

WHEREAS, on March 22, 1994, the Board of County Commissioners adopted Resolution No. R94-0076 approving the Application for Increment Approval; and

WHEREAS, on December 9, 1994, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, on April 11, 1995, the board of County Commissioners adopted Resolution No. R95-082, approving the revised Development Order; and

WHEREAS, on May 8, 1998, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addressed the following changes:

1. Add one approximately seven (7) acre parcel, designated as Section 430A, to the Thomas Ranch DRI and approve for single-family residential, multi-family residential, and office development;
2. Trade-off certain approved uses for approved residential uses, in accord with the approved trade-off provision of the Development Order:

- a. Trade-off multi-family development within Sections 211 and 412 for single-family development;
 - b. Trade-off a portion of the former Junior High School site within Section 414 for single-family residential development;
 - c. Designate a portion of Section 012, approved for golf course/recreational uses, as Section 214, containing single-family residential uses;
 - d. Permit single-family and multi-family development, in addition to office development, within Sections 430 and 435;
 - e. Trade-off previously designated elementary school parcel for multi-family residential development;
3. Relocate Junior High School site to Section 410, and designate former Junior High School site for Elementary School (Section 413), day care center (Section 425) and single-family residential (Section 414).
4. Transfer neighborhood commercial entitlements to Section 446, and provide for additional curb cut on Sheldon Road, for Section 446.
5. Adjust the configuration of the internal roadway system
6. Change the designation for Section 332 from Commercial to Commercial/Office
7. Amend the Development Order language, as follows:
 - a. Designate the portion of Phase III which is specifically approved as Phase IIIA, and the remainder of Phase III as Phase IIIB.
 - b. Revise the monitoring program for consistency with the Developer's transportation impact mitigation requirements;
 - c. Indicate the status of improvements and infrastructure which has been completed, or is in progress, and delete design and construction conditions for improvements which have been completed;
 - d. Modify the stormwater quality monitoring requirements.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th Day April, 1995, AS FOLLOWS:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Whereas Clauses are incorporated herein and made a part hereof, as if fully restated.
 - (b) The presumption that the addition of one approximately seven (7) acre parcel to the Thomas Ranch DRI, is a substantial deviation to a previously approved Development of Regional Impact has been rebutted by clear and convincing evidence.
 - (c) Pursuant to Section 380.06(19), Florida Statutes, the trade-offs and Map "H" modifications referenced in the Notice of Proposed Change, the adjustment of the internal roadway system, and the modifications to the Development Order conditions, are presumed not to create a substantial deviation. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

2. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:
 - (a) The amendment of the Development Order to add one approximately seven (7) acre parcel to the Thomas Ranch DRI does not constitute a substantial deviation requiring further development of regional impact review.
 - (b) The amendment of Map "H" to trade-off and relocate approved uses, and to adjust the configuration of the internal roadway system, does not constitute a substantial deviation requiring further development of regional impact review.
 - (c) The modifications to the Development Order conditions to: (i) designate Phase IIIA and Phase IIIB; (ii) to revise the transportation monitoring program; (iii) to reflect the status of improvements and infrastructure; and (iv) to modify the stormwater quality monitoring requirements does not constitute a substantial deviation requiring further development of regional impact review.

- (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
- (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a/ Thomas Ranch) Development Order, as hereby amended, the reports, recommendations and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
 - (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan;
 - (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan.
- 3. That having made the above findings of fact and drawing the above conclusions of law, it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof, and Map "H" is hereby amended as provided in Exhibit "B" attached hereto and made a part hereof.
- 4. The Westchase (DRI #84) Development Order, as amended herein, as hereby affirmed in its entirety.
- 5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- 6. The Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1997).
- 7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

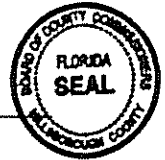
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 28, 1998, as the same appears of record in Minute Book 266 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 26th day of August, 1998.

RICHARD AKE, CLERK

By: *Susan Belton*
Deputy Clerk



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

EXHIBIT "A"
DEVELOPMENT ORDER CONDITIONS
FOR
THOMAS RANCH DRI

NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992, March 22, 1994, April 11, 1995, and July 28, 1998.

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ. FT.	COMMERCIAL GROSS SQ. FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1995-June 1, 2003)		100,000	410
Phase IIIA (1995-June 1, 2008)		150,000	1142
Phase IIIB (1995-June 1, 2008)	152,000		
Phase IV (2000-June 1, 2013)	39,000	49,000	773
TOTAL	240,000	349,000	3,650

If the developer elects to amend the phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the

phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site began within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I, IIA, IIB and IIIA approval or any excess infrastructure capacity constructed to potentially serve Phase IIIB or IV shall be at the developer's risk and shall not vest the balance of Phase III or IV development rights. This provision shall in no way limit any developers rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I, IIA, IIB, and IIIA (150,000 square feet of Commercial and 1,142 Residential Dwelling Units), the "Approved Phases," subject to the conditions contained in this Order. Conceptual approval of the balance of Phases III and IV is also accorded hereby. Specific approval of Phase IIIB and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes, and Section 202, Future of the Region, compliance with all requirements of this Development Order and the transportation mitigation requirements that are in effect at the time specific approval is granted. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis. The analysis will be based on the transportation planning requirements and methodology that are in effect at the time of submittal of the analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

B. TRANSPORTATION

1. Specific development approval is accorded pursuant to the conditions contained herein for the "Approved Phases." The "Approved Phases" shall at maximum consist of 2,877 Residential Units, 49,000 square feet of office uses, and 300,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. The Developer has constructed improvements at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. A traffic signal for this location has been funded and construction has commenced. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I through IIIA are not exceeded. Counts will continue on an annual basis through the "Approved Phases," and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the Developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be indicated. Further, as part of the monitoring program, the Developer has completed a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.
4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and further conditions required by the County.
5. The Developer has cured and mitigated the impacts of the "Approved Phases" of this development on transportation facilities by designing and constructing the extension of Linebaugh Avenue from Sheldon Road west to Racetrack Road. The selection of this mitigation/curing mechanism was

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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated to be \$5,634,543 in 1989 dollars.

6. The Linebaugh Roadway Extension extends from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension serves as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a completed project on Hillsborough County's MPO Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.

- A. Right of Way of Linebaugh Extension

The Developer has provided 128 feet of right-of-way as illustrated on the amended conceptual development plan. Hillsborough County provided the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection was determined as part of final design in cooperation with the Hillsborough County Engineering and Construction Management and Real Estate Departments.

- B. Permits

The Developer shall be the permittee on all applicable construction and design permits and shall obtain all such permits from the appropriate regulatory departments and/or agencies. Upon completion and acceptance of the facility by the County, the applicant shall transfer and the County shall accept all applicable permits.

7. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of the first phase.

8. This Development Order does not exempt the Development from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 380.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

In the event that Developer required improvement expenses (which are creditable as describe above) exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against the applicable transportation impact assessments for the balance of Phase III and IV.

9. The Developer has deed to the County 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
10. The Developer has provided to the County, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within the subject DRI.
11. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the Hillsborough County MPO 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
12. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Planning and Growth Management.
13. Except as otherwise provided by Law, the application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
14. A pedestrian circulation system and a bicycle circulation system have been provided within the project. The systems may be combined into a single

system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.

15. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner of Linebaugh Avenue Extension and Countryway Boulevard, and/or the 10.9 acre tract at the intersection of Countryway Boulevard and Ehrlich Road. Developer shall institute an annual monitoring program to address trip generation and trip distribution measures at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above than projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06(19), Florida Statutes.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development which generates external traffic in excess of that approved for Phase IIIA, the Developer shall provide Hillsborough County Environmental Protection Commission and the Hillsborough County Planning and Growth Management Department for review and to the Florida Department of Environmental Protection, a completed and technically acceptable air quality monitoring assessment.

The air quality modeling program shall be for carbon monoxide at intersections significantly impacted by this development. Those intersections determined to be significantly impacted, through a transportation analysis, per F.S. 380.06, will be screened using Florida Department of Environmental Protection procedures. If potential problem intersections are identified, a selected group of intersections as agreed upon by Hillsborough County Environmental Protection Commission, the Florida Department of Environmental Protection and the Hillsborough County Planning and Growth Management Department, will be modeled using currently accepted analysis procedures.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Protection for approval, and to the Hillsborough County Planning and Growth

Management Department for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by the Department of Environmental Protection and the Hillsborough County Environmental Protection Commission.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Preliminary Plat for each development pod, to serve as conservation areas and shall be sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be designated on the Preliminary Plat for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.

5. Prior to the issuance of any building permits, a conceptual Master Drainage Plan for Thomas Ranch was submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DEP, and SWFWMD. The conveyance criteria for major pitfalls passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and continue to be constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD prior to or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines CMRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year flood plan area, as delineated on Map C of the ADA which results in a significant adverse impact on predevelopment on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
 - (f) There shall be no degradation of stormwater quality existing the site as a result of the on-site stormwater management system. To this end the Developer shall continue a surface water quality monitoring program as specified below, or some other comparable program mutually acceptable to SWFWMD, DEP, Hillsborough County EPC and the Hillsborough County Planning and Growth Management Department:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.
- (2) Stations shall be grab sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)

Temperature (deg C)

Specific Conductance (uohm/cm @ deg C)

Dissolved oxygen (mg/l)

Nutrients

- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKM (mg/l)
- nitrate/nitrite (mg/l)
- ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as PB (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control Standards and Requirements.
- (5) The applicant shall provide all results of the biannual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.
- (g) The Developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following has been completed:
 - (a) The Developer has submitted a wetland lake management plan to be implemented during construction and after completion of the project. The plan addresses the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
 - (b) No hydroperiod alternation shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C-3. In the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.
 - (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DEP, if it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
 - (d) The stormwater drainage system of the project has incorporated wetlands on-site; no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area".
8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.

11. The Developer has submitted a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Planning and Growth Management of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored and disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer has prepared a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closing, security and safety measures, and evacuation plans. This plan was included in the first annual report submitted after occupancy of the project.

G. Energy Conservation

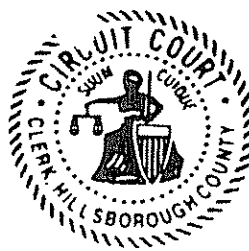
The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
 - (1) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
 - (2) If feasible, the Developer shall utilize MultiFamily Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

- 1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
- 2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(19), F.S.
- 3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.
- 4. The term "Developer" as used herein shall mean the Developer, its heirs or assigns, or successors in interest, or any applicable Community Development District, Homeowners or Property owners Association established over the property included within this Development Order.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

May 15, 1995

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

Re: Revised Exhibit "A" to Resolution No. R95-082 - Amending the Development
Order for Westchase, f/k/a Thomas Ranch (DRI #84)

Dear Mr. Butts:

Our mailing of 5/1/95 contained an Exhibit "A" to subject resolution that was still in draft form. Attached is a certified copy of the resolution with the revised Exhibit "A". Please substitute.

We regret the inconvenience, and thank you for your cooperation.

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
Rhea F. Law, Esquire - Fowler, White, Gillen, Boggs, Villareal
and Banker, P.A.
Jeanie E. Hanna, Senior Assistant County Attorney
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R95-082 Amending the Development Order for Westchase, f/k/a Thomas Ranch (DRI #84) approved by the Board in its regular meeting of April 11, 1995, as the same appears of record in MINUTE BOOK 227 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of May, 1995.

RICHARD AKE, CLERK

By: 
Deputy Clerk

RESOLUTION NO. R 95-082

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a/THOMAS RANCH)

Upon motion by Commissioner Busansky seconded by
Commissioner Berger the following Resolution was
adopted by a vote of 6 to 0.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multi-use project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, 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, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Chapter 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, Westchase Associates, the successor in interest to the original developer, filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, on July 14, 1992, the Board of County Commissioners adopted Resolution No. R92-0165 approving the revised Development Order; and

WHEREAS, on July 29, 1992, Westchase Associates filed an Application for Increment Approval to amend the Development Order in accordance with the actions of the Board of County Commissioners in Resolution No. R92-0067; and

WHEREAS, on or before March, 1993, the East-West Connector between S.R. 584 and Racetrack Road was commenced within Pinellas County, therefore, the requirements of Section IV.B.6.D.11 of the Development Order for the Thomas Ranch portion of Westchase have been satisfied; and

WHEREAS, on March 22, 1994, the Board of County Commissioners adopted Resolution No. R94-0076 approving the Application for Increment Approval; and

WHEREAS, on December 9, 1994, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addressed the following changes:

1. Addition of 20.5 acres of land previously part of Bay Port Colony Tract A, and vested from the DRI process, into the Thomas Ranch DRI portion of Westchase;
2. Increase of commercial area by 10.9 acres;
3. Reallocation of commercial entitlement from opposite corner of Ehrlich Road and Countryway to 20.5 acre parcel annexed from Bay Port Colony Tract A;
4. Relocation of park and school sites;
5. Relocation of small commercial use previously associated with the park, without change in commercial entitlement;
6. Decrease of office acreage by 1.0 acre, without a decrease of office entitlement; and

7. Relocation of multifamily and single family uses associated with the school and park relocation, without change in residential units requested.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th Day April, 1995, AS FOLLOWS:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Whereas Clauses are incorporated herein and made a part hereof, as is fully restated:
 - (b) The presumption that the transfer of 20.5 acres of land from the Vested Bayport Colony Tract A, a parcel vested pursuant to a Binding Letter of Interpretation of Vested Rights, is a substantial deviation to a previously approved Development of Regional Impact has been rebutted by clear and convincing evidence.
 - (c) Pursuant to Section 380.06(19), Florida Statutes, the site plan modifications referenced in the Notice of Proposed Change including relocations as well as additions and reductions, are presumed not be create a substantial deviation. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

2. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:
 - (a) The amendment of the Development Order to add 20.5 acres of additional land from Bay Port Colony Tract A does not constitute a substantial deviation requiring further development of regional impact review.

- (b) The amendment of the Development Order to accommodate the remaining changes identified in Exhibit A, such as relocation of various park and school sites, commercial and residential uses, as well as the reduction of office acreage, does not constitute a substantial deviation requiring further development of regional impact review.
 - (c) The requirements of Section IV.B.6.D.11 of the Development Order, with regard to commencement of the East-West connector between S.R. 584 and Racetrack Road within Pinellas County, have been satisfied.
 - (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
 - (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a/ Thomas Ranch) Development Order, as hereby amended, the reports, recommendations and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
 - (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan;
 - (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan; and
 - (4) The development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
3. That having made the above findings of fact and drawing the above conclusions of law, it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
4. The Westchase (DRI #84) Development Order, as amended herein, as hereby affirmed in its entirety.
5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. The Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1993).
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 11, 1995, as the same appears of record in Minute Book 227 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of April, 1995.

RICHARD AKE, CLERK

By: *Shirley Lynn*
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY *Attorney*
Approved As To Form And
Legal Sufficiency.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. R95-082

EXHIBIT A
**DEVELOPMENT ORDER CONDITIONS
FOR
THOMAS RANCH DRI
12/7/94**

(NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992, March 22, 1994, and April 11, 1995.

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ.FT.	COMMERCIAL GROSS SQ.FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1995-June 1, 2003)		100,000	410
Phase IIIA (1995-June 1, 2008)		150,000	1142
Phase IIIB (1995-June 1, 2008)	152,000		
Phase IV (2000-June 1, 2013)	39,000	49,000	773
TOTAL	240,000	349,000	3,650

If the developer elects to amend the phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site began within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I, IIA, IIB and a portion of III approval or any excess infrastructure capacity constructed to potentially serve the balance of Phase III or IV shall be at the developer's risk and shall not vest the balance of Phase III or IV development rights. This provision shall in no way limit any developers rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I, IIA, IIB, and 150,000 square feet of Commercial and 1,142 Residential Dwelling Units in Phase III development, the "Approved Phases," subject to the conditions contained in this Order. Conceptual approval of the balance of Phases III and IV is also accorded hereby. Specific approval of the balance of Phases III and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes, and Section 202, Future of the Region, compliance with all requirements of this Development Order and the transportation mitigation requirements that are in effect at the time specific approval is granted. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis. The analysis will be based on the transportation planning requirements and methodology that are in effect at the time of submittal of the analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

3. TRANSPORTATION

1. Specific development approval is accorded pursuant to the conditions contained herein for the "Approved Phases." The "Approved Phases" shall at maximum consist of 2,877 Residential Units, 49,000 square feet of office uses, and 300,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. The Developer has constructed improvements at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering and Construction Management Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through the "Approved Phases," and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the Developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be indicated. Further, as part of the monitoring program, the Developer has completed a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and further conditions required by the County.
5. In order to cure and mitigate the impacts of the "Approved Phases" of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated to be \$5,634,543 in 1989 dollars.
6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's MPO Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.

A. Right of Way of Linebaugh Extension

The Developer has provided 128 feet of right-of-way as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection shall be determined as part of final design in

cooperation with the Hillsborough County Engineering and Construction Management and Real Estate Departments.

B. Design Criteria

- (1) The Developer shall provide plans for the ultimate construction of (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with Countryway Boulevard ("Countryway") and (iii) an interim two-lane rural facility from Countryway to Racetrack Road.
- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards.
- (3) Roadway drainage shall be designed and constructed for the ultimate six-lane urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches or storm sewers to detention ponds, designed and sized for the final six-lane roadway.
- (4) Specific criteria for completion of the plans and specifications for the section of Linebaugh between Countryway and Racetrack Road shall be in accordance with the correspondence from Hillsborough County to the Developer dated July 22, 1993 and November 2, 1993, copies of which are attached hereto as Exhibit A.1.

C. Construction

- (1) Construction of (i) the four-lane urban facility from Sheldon Road to Countryway and (ii) the two-lane rural interim facility from Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.

(2) The Linebaugh Extension will be constructed as follows:

(a) Two-lane undivided rural section from Countryway to Racetrack Road, to be constructed by the Developer.

(b) Four-lane urban facility has been constructed by the Developer from Sheldon Road to the proposed Countryway intersection and has been dedicated to and accepted by the County.

(c) Six lane urban facility to be provided by the County at its option and when possible from the proposed Countryway intersection to Racetrack Road.

D. Performance deadlines for completion of the facility are as set forth below.

(1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site.

(2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion and final plans within a twenty-one (21) day review period. Right-of-way plans shall be completed by the Developer within the first twelve months.

(3) Construction of the roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.

(4) After final acceptance of the right-of-way map and legal description, the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays

caused by acts of God or failure of the County to meet its obligations.

- (5) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition 9 below).
 - (6) The Developer shall be the permittee on all applicable construction and design permits and shall obtain all such permits from the appropriate regulatory departments and/or agencies. Upon completion and acceptance of the facility by the County, the applicant shall transfer and the County shall accept all applicable permits.
8. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
 9. Development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the Developer in a timely manner.
 10. This Development Order does not exempt the Development from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 330.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

In the event that Developer required improvement expenses (which are creditable as describe above) exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against the applicable transportation impact assessments for the balance of Phases III and IV.

11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either (i) by November 1, 1997, or (ii) on the date when construction begins on the western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificate of Occupancy shall be issued after this date,

unless the required construction of the East/West Connector has begun.

12. The Developer has deeded to the County 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The Developer has provided to the County, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within the subject DRI.
14. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the Hillsborough County MPO 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Planning and Development Management.
16. Except as otherwise provided by Law, the application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
18. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner

of Linebaugh Avenue Extension and Countryway Boulevard, and/or the 10.9 acre tract at the intersection of Countryway Boulevard and Ehrlich Road. Developer shall institute an annual monitoring program to address trip generation and trip distribution measures at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above than projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06(19), Florida Statutes.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase II, the Developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Protection, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Protection for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by the Department of Environmental Protection and the Hillsborough County Environmental Protection Commission.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.

- ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

(4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

(5) The applicant shall provide all results of the biannual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.

(g) The Developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

(a) The Developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- (1) wetlands to be preserved;
- (2) proposed wetland/lake alterations;
- (3) control of exotic species;
- (4) control of on-site water quality;
- (5) maintenance of natural hydroperiod; and
- (6) methods for wetland restoration/enhancement.

(b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C-3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

(c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER, if it is apparent that preservation

areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.

- (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area" unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Planning and Development Management of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer has prepared a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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 was included in the first annual report submitted after occupancy of the project.

G. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

- (c) Recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. Structural

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County ordinances.
2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. Historical or Archeological

The Developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

J. Equal Opportunity

1. The Developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.

2. If feasible, the Developer shall utilize MultiFamily Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

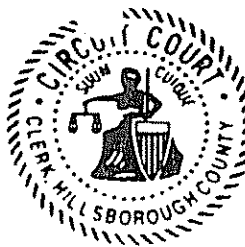
1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.
4. The term "Developer" as used herein shall mean the Developer, its heirs or assigns, or successors in interest, or any applicable Community Development District, Homeowners or Property owners Association established over the property included within this Development Order.

- (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
- 3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Preliminary Plat for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
- 4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Preliminary Plat for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
- 5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major canals passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
- 6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (CMRPC, 1978).

- (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
- (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on predevelopment on-site hydrologic storage and/or off-site conveyance.
- (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
- (f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the Developer provide for a surface water quality monitoring program as specified below:
- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.
 - (2) Stations shall be grab sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
 - (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)
Temperature (deg C)
Specific Conductance (uohm/cm @ deg C)
Dissolved oxygen (mg/l)
Nutrients
- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKM (mg/l)
- nitrate/nitrite (mg/l)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

May 1, 1995

TIM BUTTS
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BLVD
ST PETERSBURG FL 33702

Re: Resolution No. R95-082 - Amending the Development Order for
Westchase, f/k/a Thomas Ranch (DRI #84)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
April 11, 1995.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 

Linda Fryman
Manager, BOCC Records

LF:KC

Attachment

Certified Mail

cc: Board files (orig.)

Rhea Law, Esquire, Fowler, White, Gillen, Boggs, Villareal and
Banker, P.A. (orig. ltr.)

Gene Boles, Director, Planning and Development

Jeanie E. Hanna, Senior Assistant County Attorney

J. Thomas Beck, Florida Dept. of Community Affairs (orig. ltr.)

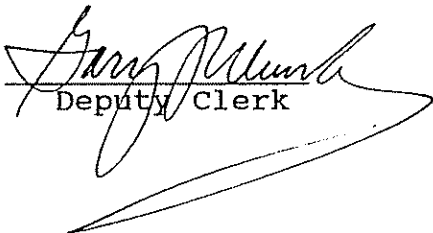
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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. R95-082 Amending the Development Order for Westchase, f/k/a Thomas Ranch (DRI #84) approved by the Board in its regular meeting of April 11, 1995, as the same appears of record in MINUTE BOOK 227 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 1st day of May, 1995.

RICHARD AKE, CLERK

By:


Deputy Clerk

RESOLUTION NO. R 95-082

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a/THOMAS RANCH)

Upon motion by Commissioner Busansky seconded by
Commissioner Berger the following Resolution was
adopted by a vote of 6 to 0.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multi-use project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, 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, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Chapter 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, Westchase Associates, the successor in interest to the original developer, filed a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, on July 14, 1992, the Board of County Commissioners adopted Resolution No. R92-0165 approving the revised Development Order; and

WHEREAS, on July 29, 1992, Westchase Associates filed an Application for Increment Approval to amend the Development Order in accordance with the actions of the Board of County Commissioners in Resolution No. R92-0067; and

WHEREAS, on or before March, 1993, the East-West Connector between S.R. 584 and Racetrack Road was commenced within Pinellas County, therefore, the requirements of Section IV.B.6.D.11 of the Development Order for the Thomas Ranch portion of Westchase have been satisfied; and

WHEREAS, on March 22, 1994, the Board of County Commissioners adopted Resolution No. R94-0076 approving the Application for Increment Approval; and

WHEREAS, on December 9, 1994, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addressed the following changes:

1. Addition of 20.5 acres of land previously part of Bay Port Colony Tract A, and vested from the DRI process, into the Thomas Ranch DRI portion of Westchase;
2. Increase of commercial area by 10.9 acres;
3. Reallocation of commercial entitlement from opposite corner of Ehrlich Road and Countryway to 20.5 acre parcel annexed from Bay Port Colony Tract A;
4. Relocation of park and school sites;
5. Relocation of small commercial use previously associated with the park, without change in commercial entitlement;
6. Decrease of office acreage by 1.0 acre, without a decrease of office entitlement; and

7. Relocation of multifamily and single family uses associated with the school and park relocation, without change in residential units requested.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th Day April, 1995, AS FOLLOWS:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Whereas Clauses are incorporated herein and made a part hereof, as is fully restated.
 - (b) The presumption that the transfer of 20.5 acres of land from the Vested Bayport Colony Tract A, a parcel vested pursuant to a Binding Letter of Interpretation of Vested Rights, is a substantial deviation to a previously approved Development of Regional Impact has been rebutted by clear and convincing evidence.
 - (c) Pursuant to Section 380.06(19), Florida Statutes, the site plan modifications referenced in the Notice of Proposed Change including relocations as well as additions and reductions, are presumed not be create a substantial deviation. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

2. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:
 - (a) The amendment of the Development Order to add 20.5 acres of additional land from Bay Port Colony Tract A does not constitute a substantial deviation requiring further development of regional impact review.

- (b) The amendment of the Development Order to accommodate the remaining changes identified in Exhibit A, such as relocation of various park and school sites, commercial and residential uses, as well as the reduction of office acreage, does not constitute a substantial deviation requiring further development of regional impact review.
- (c) The requirements of Section IV.B.6.D.11 of the Development Order, with regard to commencement of the East-West connector between S.R. 584 and Racetrack Road within Pinellas County, have been satisfied.
- (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
- (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a/ Thomas Ranch) Development Order, as hereby amended, the reports, recommendations and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
 - (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan;
 - (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan; and
 - (4) The development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- 3. That having made the above findings of fact and drawing the above conclusions of law, it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
- 4. The Westchase (DRI #84) Development Order, as amended herein, as hereby affirmed in its entirety.
- 5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. The Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1993).
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 11, 1995, as the same appears of record in Minute Book 227 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of April, 1995.

RICHARD AKE, CLERK

By: *Senal Lopez*
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY *Atanue*
Approved As To Form And
Legal Sufficiency.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. R95-082

EXHIBIT A

**PROPOSED* DEVELOPMENT ORDER CONDITIONS
FOR
THOMAS RANCH DRI
12/7/94**

(NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992, March 22, 1994, and _____.

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ.FT.	COMMERCIAL GROSS SQ.FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1995-June 1, 2003)		100,000	410
Phase IIIA (1995-June 1, 2008)		150,000	1142
Phase IIIB (1995-June 1, 2008)	152,000		
Phase IV (2000-June 1, 2013)	39,000	49,000	773
TOTAL	240,000	349,000	3,650

If the developer elects to amend the phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

* The base for these "Proposed Conditions" are the latest approved conditions. Strike outs represent requested deletions. Underlining represents requested added language.

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site began within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I, IIA, IIB and a portion of III approval or any excess infrastructure capacity constructed to potentially serve the balance of Phase III or IV shall be at the developer's risk and shall not vest the balance of Phase III or IV development rights. This provision shall in no way limit any developers rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I, IIA, IIB, and 150,000 square feet of Commercial and 1,142 Residential Dwelling Units in Phase III development, the "Approved Phases," subject to the conditions contained in this Order. Conceptual approval of the balance of Phases III and IV is also accorded hereby. Specific approval of the balance of Phases III and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes, and Section 202, Future of the Region, compliance with all requirements of this Development Order and the transportation mitigation requirements that are in effect at the time specific approval is granted. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis. The analysis will be based on the transportation planning requirements and methodology that are in effect at the time of submittal of the analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

2. TRANSPORTATION

1. Specific development approval is accorded pursuant to the conditions contained herein for the "Approved Phases." The "Approved Phases" shall at maximum consist of 2,877 Residential Units, 49,000 square feet of office uses, and 300,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. The Developer has constructed improvements at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering and Construction Management Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through the "Approved Phases," and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the Developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be indicated. Further, as part of the monitoring program, the Developer has completed a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and further conditions required by the County.
5. In order to cure and mitigate the impacts of the "Approved Phases" of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated to be \$5,634,543 in 1989 dollars.
6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's MPO Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.

A. Right of Way of Linebaugh Extension

The Developer has provided 128 feet of right-of-way as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection shall be determined as part of final design in

cooperation with the Hillsborough County Engineering and Construction Management and Real Estate Departments.

B. Design Criteria

- (1) The Developer shall provide plans for the ultimate construction of (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with Countryway Boulevard ("Countryway") and (iii) an interim two-lane rural facility from Countryway to Racetrack Road.
- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards.
- (3) Roadway drainage shall be designed and constructed for the ultimate six-lane urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches or storm sewers to detention ponds, designed and sized for the final six-lane roadway.
- (4) Specific criteria for completion of the plans and specifications for the section of Linebaugh between Countryway and Racetrack Road shall be in accordance with the correspondence from Hillsborough County to the Developer dated July 22, 1993 and November 2, 1993, copies of which are attached hereto as Exhibit A.1.

C. Construction

- (1) Construction of (i) the four-lane urban facility from Sheldon Road to Countryway and (ii) the two-lane rural interim facility from Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.

(2) The Linebaugh Extension will be constructed as follows:

(a) Two-lane undivided rural section from Countryway to Racetrack Road, to be constructed by the Developer.

(b) Four-lane urban facility has been constructed by the Developer from Sheldon Road to the proposed Countryway intersection and has been dedicated to and accepted by the County.

(c) Six lane urban facility to be provided by the County at its option and when possible from the proposed Countryway intersection to Racetrack Road.

D. Performance deadlines for completion of the facility are as set forth below.

(1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site.

(2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion and final plans within a twenty-one (21) day review period. Right-of-way plans shall be completed by the Developer within the first twelve months.

(3) Construction of the roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.

(4) After final acceptance of the right-of-way map and legal description, the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays

caused by acts of God or failure of the County to meet its obligations.

- (5) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition 9 below).
 - (6) The Developer shall be the permittee on all applicable construction and design permits and shall obtain all such permits from the appropriate regulatory departments and/or agencies. Upon completion and acceptance of the facility by the County, the applicant shall transfer and the County shall accept all applicable permits.
8. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
 9. Development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the Developer in a timely manner.
 10. This Development Order does not exempt the Development from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 30.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

In the event that Developer required improvement expenses (which are creditable as describe above) exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against the applicable transportation impact assessments for the balance of Phases III and IV.
 11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either (i) by November 1, 1997, or (ii) on the date when construction begins on the western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificate of Occupancy shall be issued after this date,

unless the required construction of the East/West Connector has begun.

12. The Developer has deeded to the County 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The Developer has provided to the County, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within the subject DRI.
14. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the Hillsborough County MPO 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Planning and Development Management.
16. Except as otherwise provided by Law, the application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
18. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner

of Linebaugh Avenue Extension and Countryway Boulevard, and/or the 10.9 acre tract at the intersection of Countryway Boulevard and Ehrlich Road. Developer shall institute an annual monitoring program to address trip generation and trip distribution measures at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above than projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06(19), Florida Statutes.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase II, the Developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Protection, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Protection for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by the Department of Environmental Protection and the Hillsborough County Environmental Protection Commission.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.

- (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
- 3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Preliminary Plat for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
- 4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Preliminary Plat for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
- 5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major creeks passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
- 6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a). The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (CMRPC, 1978).

- (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
- (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on predevelopment on-site hydrologic storage and/or off-site conveyance.
- (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
- (f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the Developer provide for a surface water quality monitoring program as specified below:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.

- (2) Stations shall be grab sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.

- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

- Streamflow (cfs)
- Temperature (deg C)
- Specific Conductance (uohm/cm @ deg C)
- Dissolved oxygen (mg/l)
- Nutrients
 - total phosphorous (mg/l)
 - ortho-phosphate (mg/l)
 - TKM (mg/l)
 - nitrate/nitrite (mg/l)

- ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

(4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

(5) The applicant shall provide all results of the biannual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.

(g) The Developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

(a) The Developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- (1) wetlands to be preserved;
- (2) proposed wetland/lake alterations;
- (3) control of exotic species;
- (4) control of on-site water quality;
- (5) maintenance of natural hydroperiod; and
- (6) methods for wetland restoration/enhancement.

(b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C-3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

(c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER, if it is apparent that preservation

areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.

- (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area" unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Planning and Development Management of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer has prepared a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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 was included in the first annual report submitted after occupancy of the project.

G. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

- (c) Recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. Structural

- 1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County ordinances.
- 2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
- 3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. Historical or Archeological

The Developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

J. Equal Opportunity

- 1. The Developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.

2. If feasible, the Developer shall utilize MultiFamily Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.
4. The term "Developer" as used herein shall mean the Developer, its heirs or assigns, or successors in interest, or any applicable Community Development District, Homeowners or Property owners Association established over the property included within this Development Order.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

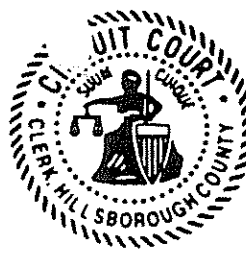
I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0076 Amending the Development order for Westchase f/k/a Thomas Ranch (DRI #184) approved by the Board in its regular meeting of March 22, 1994, as the same appears of record in MINUTE BOOK 214 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th day of April, 1994.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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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 20, 1994

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

Re: Resolution No. R94-0076 - Amending the Development Order for
Westchase (f/k/a Thomas Ranch) - (DRI #84)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
March 22, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Judith M. Nichols
Judith M. Nichols
Manager, BOCC Records

JMN:ADF

Attachment

Certified Mail #P 370 410 067

Return Receipt

cc: Board files (orig.)

Rhea F. Law, Esquire - Fowler, White, Gillen, Boggs,
Villareal and Banker, P.A.

J. Thomas Beck, Florida Department of Community Affairs

Jeanie E. Hanna, Senior Assistant County Attorney

Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution NO. R94-0076 Amending the Development Order for Westchase (f/k/a Thomas Ranch) - (DRI #84) approved by the Board in its regular meeting of March 22, 1994, as the same appears of record in MINUTE BOOK 214 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th day of April, 1994.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

RESOLUTION NO. R94-0076

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a THOMAS RANCH)

Upon motion by Commissioner Ed Turanchik,
seconded by Commissioner Jim Norman, the following
Resolution was adopted by a vote of 6 to 0.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty-one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, 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, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, the revised Development Order required the Developer to substantially increase the pipeline improvement required under the original 1987 Development Order; and

WHEREAS, in contemplation of giving the Developer proper credit for the increased pipeline improvement, the Board of County Commissioners included the credit provisions in Paragraph IV.B.10 of the revised Development Order; and

WHEREAS, the Developer provided updated traffic analyses to identify the amount of credit to be accorded the Developer for the increased pipeline project (the "Development Credit"); and

WHEREAS, on December 23, 1991, during the County review of the Development Credit application, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, addressing locational, acreage and site plan amendments to the Development Order was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, on July 14, 1992, the Board of County Commissioners adopted Resolution No. R92-0165 approving the Notice of Proposed Change and amending the Development Order; and

WHEREAS, on March 24, 1992, the Board of County Commissioners adopted Resolution No. R 92-0067, which approved the Development Credit and provided specific approval of 2,877 residential dwelling units, 300,000 square feet of commercial development and 49,000 square feet of office development within the Westchase development; and

WHEREAS, on July 29, 1992, Westchase Associates filed an Application for Increment Approval to amend the Development Order in accordance with the actions of the Board of County Commissioners in Resolution No. R92-0067.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, in regular meeting assembled this 22nd day of March, 1994, as follows:

FINDINGS OF FACT

1. That the Whereas Clauses are incorporated herein and made a part hereof, as if fully restated.

2. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:

- (a) The updated traffic analysis, as required in paragraph IV.B.10 of the Development Order, (the "Traffic Study"), has been completed and its technical merits accepted by Hillsborough County.
- (b) The Traffic Study re-analyzed the impact previously reviewed for Phase I and IIA plus the Development Credit and determined the project's total proportionate share increased from \$3,900,583 for Phases I and IIA, to \$5,634,543 for Phases I and IIA plus the Development Credit, using 1989 costs.
- (c) The Traffic Study determined the value in 1989 costs for the increased pipeline improvement was \$11,687,920 of which \$6,576,621 was for capacity improvements not used by project traffic.
- (d) The \$6,576,621 pipeline improvement exceeds the project's increased \$5,634,543 Proportionate share and the pipeline improvement adequately mitigates the transportation impact for Phase I and IIA, plus the Development Credit.
- (e) The Developer has demonstrated that the Development Credit, to which it is entitled, is 1,552 residential single family units and 250,000 square feet of retail commercial and that said Development Credit is authorized under the approved pipeline project.

CONCLUSIONS OF LAW

3. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:

- (a) The Development Credits hereby recognized are authorized pursuant to the provisions of Paragraph IV.B.10 of the revised Development Order, and Resolution No. R92-0067 adopted by the Hillsborough County Board of County Commissioners on March 24, 1994.
- (b) The Development Credits hereby recognized do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1987).
- (c) This Resolution does not exempt the Project from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 380.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

4. That having made the above findings of fact and drawing the above conclusions of law it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.

5. The Westchase (DRI #84) Development Order, as amended herein, is hereby reaffirmed in its entirety.

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 (1991).

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, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of March 22, 1994, as the same appears, of record in Minute Book 214 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th day of April, 1994.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

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

EXHIBIT "A"

PROPOSED DEVELOPMENT ORDER CONDITIONS
FOR THOMAS RANCH
(3/22/94)

(NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992, and March 22, 1994.)

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ. FT.	COMMERCIAL GROSS SQ. FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1995-June 1, 2003)		100,000	410
Phase IIIA (1995-June 1, 2008)		150,000	1142
Phase IIIB (1995-June 1, 2008)	152,000		
Phase IV (2000-June 1, 2013)	39,000	49,000	773
TOTAL	240,000	349,000	3,650

If the developer elects to amend the phasing schedule, it shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site began within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I, IIA, IIB and a portion of III approval or any excess infrastructure capacity constructed to potentially serve the balance of Phase III or IV shall be at the developer's risk and shall not vest the balance of Phase III or IV development rights. This provision shall in no way limit any developers rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I, IIA, IIB, and 150,000 square feet of Commercial and 1,142 Residential Dwelling Units in Phase III development, the "Approved Phases," subject to the conditions contained in this Order. Conceptual approval of the balance of Phases III and IV is also accorded hereby. Specific approval of the balance of Phases III and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes, and Section 4.202, Future of the Region, compliance with all requirements of this Development Order and the transportation mitigation requirements that are in effect at the time specific approval is granted. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis. The analysis will be based on the transportation planning requirements and methodology that are in effect at the time of submittal of the analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

B. TRANSPORTATION

1. Specific development approval is accorded pursuant to the conditions contained herein for the "Approved Phases." The "Approved Phases" shall at maximum consist of 2,877 Residential Units, 49,000 square feet of office uses, and 300,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. The Developer has constructed improvements at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering and Construction Management Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through the "Approved Phases," and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the Developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be indicated. Further, as part of the monitoring program, the Developer has completed a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and further conditions required by the County.
5. In order to cure and mitigate the impacts of the "Approved Phases" of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated to be \$5,634,543 in 1989 dollars.
6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's MPO Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.

A. Right of Way of Linebaugh Extension

The Developer has provided 128 feet of right-of-way as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection shall be determined as part of final design in

2. If feasible, the Developer shall utilize MultiFamily Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.
4. The term "Developer" as used herein shall mean the Developer, its heirs or assigns, or successors in interest, or any applicable Community Development District, Homeowners or Property owners Association established over the property included within this 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 a true and correct copy of Resolution No. R94-0076 Amending the Development order for Westchase f/k/a Thomas Ranch (DRI #184) approved by the Board in its regular meeting of March 22, 1994, as the same appears of record in MINUTE BOOK 214 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th day of April, 1994.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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HIGHLAND BOROUGH COUNTY

Florida

Office of the County Administrator
Frederick B. Karl



BOARD OF COUNTY COMMISSIONERS

Phyllis Boudry
Joe Chilton
Sylvia Kimball
Lydia Miller
Jim Norman
Jan Platt
Ed Turechik

Senior Assistant County Administrator
Patricia Bean

Assistant County Administrators
Edwin Hunsaker
Cecilia Johnson (Interim Appointment)
Jocelyn Karl
Robert Taylor (Interim Appointment)

July 22, 1993

Mr. Jack Rowlett
Westchase Corporation
1509 West Swann
Suite 230
Tampa, Florida 33606

RE: LINEBAUGH AVE. (CIP #61216) CONSTRUCTION/ DRI COMMENTS

Dear Mr. Rowlett:

With the completion of the meetings required to address the requests made in Ms. Law's letter of April 7, 1993, I will now clarify the issues I believe outstanding to allow your firm to complete the referenced project.

Per the attached memo from Mr. Steve Luce, Planning and Development Management, this correspondence will serve to formally notify you that the access necessary to the final roadway corridor is now available to you and your representatives. Please confirm receipt of this notice. This will allow you to plan for completion of design by no later than October 1994.

The County will work toward completion of the ROW maps and securing title to the required ROW by no later than July 1995. You will then be able to begin construction no later September 1995 and complete it by no later than December 1996.

In my meeting of July 2, 1993, with Mr. David Fuxan of Heidt and Associates representing your firm on the technical issues (i.e. items 1,2,3,4,5,6, and 7 only of Ms. Law's 4/7/93 letter), I believe that we have resolved the correct interpretation of the DRI for construction plan content and extent of improvements. The formal submittal of the construction plans will allow my review and comments for confirmation of detail.

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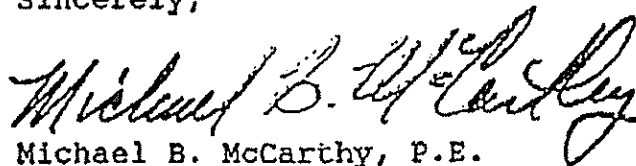
EXHIBIT A.1.

Mr. Jack Rowlett
July 21, 1993
Page Two

The County's current position on Item 8 of the referenced letter is that the developer is and should remain the permittee. The response to the other four items in the last paragraph of Page 2 of the letter is simply that current standard County policy prevails and will continue to be applied as applicable to each situation.

The Real Estate Department continues to pursue acquisition and it is clearly this Department's desire to allow completion of this project as quickly as possible, so if I can be of further assistance please contact me. I will await the submittal of construction plans by your consultant.

Sincerely,



Michael B. McCarthy, P.E.
Project Manager
Engineering and Construction Services

RJM

Attachments

cc: Bob Gordon, Projects Management II/w/o attachments
Jeff Herndon, Projects Management II/w/o attachments
Mike Kelly, Real Estate/w/attachments
Steve Luce, Planning and Development/w/o attachments
Louise Fields, County Attorney's Office/w/attachments
Richard Crate, Survey & Field/w/o attachments
Arnel Santos, Water/Wastewater/w/o attachments
Dave Fuxan, Heidt & Associates/w/attachments
Rhea Law, Heidt & Associates/w/attachments
Project File: 61216/2.13
CP-DC

61216dri.mba

HILSBOROUGH COUNTY

Florida

Office of the County Administrator
Frederick B. Karl

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MEMORANDUM

DATE: July 16, 1993

TO: Mike McCarthy, Project Manager, Engineering and Construction Services

FROM: Steve Luce, Principal Planner, Planning and Development Management Department

SUBJECT: THOMAS RANCH/LINEBAUGH AVENUE

The ongoing negotiations with the developer representatives of Westchase Associates have raised Development Order questions with regard to the design, right-of-way acquisition and construction of the western-most segment of Linebaugh Avenue from Countryway Boulevard to Race Track Road.

Performance deadlines for the completion of Linebaugh Avenue are provided in the Thomas Ranch Development Order. The start date for completion of the roadway is tied to the "date the County provides access to the final roadway corridor for the portion of the facility west of the Thomas Ranch site".

The term "access to the final roadway corridor" is considered the date by which the right-of-way necessary to construct the roadway has been identified, and this information is shared with the developer. Based on information provided by your office preconditions have been met which satisfy the intent of the Development Order requirement for providing access to the final roadway corridor. It is recommended that your office formally notify the developer of the final roadway corridor for the Linebaugh Avenue project. The official start date should be the date the developer receives this official notice.

Performance deadlines for the Linebaugh Avenue project based on a July 1993, start date (presuming formal notice is provided to the developer in July) are as follows:

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The developer shall complete design of the facility by October 1994.

Right-of-way plans shall be completed by July 1994.

After final acceptance of the right-of-way map and legal description, the County shall have 12 months to secure valid title to the off-site property (July 1995).

Construction shall commence within two months of acquisition of all off-site right-of-way by the County (September 1995) and be completed within 15 months of the selection of the contractor (December 1996).

Phase I and Phase II-A development activities and issuance of permits shall immediately cease if the Linebaugh Avenue design and construction as described in the Development Order, and as further described above is not provided by the developer in a timely manner.

Provided a bona-fide effort is being made by the developer to meet the above identified performance deadlines with regard to the design, acquisition of right-of-way (at this point this is largely a County responsibility however, the County expects full cooperation from the developer with all right-of-way within the Linebaugh Avenue corridor under the control of the developer) and construction of the required improvement no enforcement action will be necessary.

A question has been raised with regard to the extent of the improvements necessary in conjunction with the construction of the rural two lane interim facility between Countryway Boulevard and Race Track Road. Development Order conditions IV.B.7.B.2 and 3 must be read together to establish the general position the County should take towards specific issues which may arise with the construction of the interim facility. Plans must be developed to "accommodate the ultimate planned lanage with minimum cost and disruption" and roadway drainage shall be designed and constructed for the ultimate six lane urban facility. Detention ponds and mitigation areas shall be designed, permitted and constructed for the ultimate six lane facility. Interim conveyance and conveyance facilities will be by open ditches or storm sewers to detention ponds.

The developer is clearly responsible for roadway drainage design and construction for the ultimate six lane urban facility. The extent to which open ditches may be utilized may be determined by Engineering and Construction Management in terms of keeping the overall cost of the roadway down, not just the cost

Mike McCarthy
July 16, 1993
Page 3

to the developer. The Development Order language anticipates that further review of this issue would be necessary to determine the most cost effective construction approach to utilize. For example, it may not be prudent to install all drainage improvements now if such improvements would be destroyed or somehow make the ultimate six laning more expensive. If it is clearly more cost efficient to construct all drainage facilities for the ultimate six lane roadway at this time, the developer should do so. In any case the developer is responsible for the construction of drainage facilities for the ultimate six lane urban facility in accordance with the most cost effective method of constructing the six lane roadway.

If you have any questions regarding the above information please contact me.

:PW

cc: Shirley Gersholowitz, Manager, Planning and Development
Management Department
Bill McCall, Senior Professional Engineer,

H:\GND\LUCE\MEMO1.714

HILLSBOROUGH COUNTY

Florida

Office of the County Administrator
Frederick B. Karl

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Cresta Johnson (Interim Appointment)
Jimmie Keel
Robert Taylor (Interim Appointment)

November 2, 1993

David Fuxan, P.E.
Heidt & Associates Inc.
2212 Swann Avenue
Tampa, Florida 33606

Re: CIP 61216 Linebaugh Ave. (Racetrack to Sheldon) -- Permits

Dear Mr. Fuxan:

In response to your request for agreement in listing the County as "permittee, owner, maintenance entity and applicant" per your previously transmitted sample environmental forms; I have finally compiled responses from the various departments involved as well as my manager.

Please plan to submit as you proposed, but you must assure that the plans and permit submittals receive written, prior approval from the Road and Street Maintenance Department, Administration Section, via Ms. Julie Johanboeke. This will ensure that they are in full agreement prior to approval by the environmental agencies, since they will assume operational responsibility. Early coordination and involvement will help assure timely processing.

Please contact me if you require further clarification. I will expect copies of approval letters from Road and Street Department prior to approval from this office of relative submittals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael B. McCarthy".

Michael B. McCarthy, Senior Professional Engineer
Engineering and Construction Services Department
Projects Management Section II

KLS

xc: Julie Johanboeke, Road and Street Department
Project File 61216/2.10

H:\USERS\SPENCE\DWP\61216PER.003

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(2) The Linebaugh Extension will be constructed as follows:

- (a) Two-lane undivided rural section from Countryway to Racetrack Road, to be constructed by the Developer.
- (b) Four-lane urban facility has been constructed by the Developer from Sheldon Road to the proposed Countryway intersection and has been dedicated to and accepted by the County.
- (c) Six lane urban facility to be provided by the County at its option and when possible from the proposed Countryway intersection to Racetrack Road.

D. Performance deadlines for completion of the facility are as set forth below.

- (1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site.
- (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion and final plans within a twenty-one (21) day review period. Right-of-way plans shall be completed by the Developer within the first twelve months.
- (3) Construction of the roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
- (4) After final acceptance of the right-of-way map and legal description, the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays

cooperation with the Hillsborough County Engineering and Construction Management and Real Estate Departments.

B. Design Criteria

- (1) The Developer shall provide plans for the ultimate construction of (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with Countryway Boulevard ("Countryway") and (iii) an interim two-lane rural facility from Countryway to Racetrack Road.
- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards.
- (3) Roadway drainage shall be designed and constructed for the ultimate six-lane urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches or storm sewers to detention ponds, designed and sized for the final six-lane roadway.
- (4) Specific criteria for completion of the plans and specifications for the section of Linebaugh between Countryway and Racetrack Road shall be in accordance with the correspondence from Hillsborough County to the Developer dated July 22, 1993 and November 2, 1993, copies of which are attached hereto as Exhibit A.1.

C. Construction

- (1) Construction of (i) the four-lane urban facility from Sheldon Road to Countryway and (ii) the two-lane rural interim facility from Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.

caused by acts of God or failure of the County to meet its obligations.

- (5) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition 9 below).
 - (6) The Developer shall be the permittee on all applicable construction and design permits and shall obtain all such permits from the appropriate regulatory departments and/or agencies. Upon completion and acceptance of the facility by the County, the applicant shall transfer and the County shall accept all applicable permits.
8. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
 9. Development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the Developer in a timely manner.
 10. This Development Order does not exempt the Development from Hillsborough County Impact Fee Ordinances. Credit shall be available pursuant to Section 380.06, Florida Statutes and said Ordinances. Once all applicable credits are exhausted, the Developer shall pay applicable Hillsborough County Impact Fees.

In the event that Developer required improvement expenses (which are creditable as describe above) exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against the applicable transportation impact assessments for the balance of Phases III and IV.
 11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either (i) by November 1, 1997, or (ii) on the date when construction begins on the western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificate of Occupancy shall be issued after this date,

unless the required construction of the East/West Connector has begun.

12. The Developer has deeded to the County 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The Developer has provided to the County, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within the subject DRI.
14. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the Hillsborough County MPO 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Planning and Development Management.
16. Except as otherwise provided by Law, the application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
18. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner

of Linebaugh Avenue Extension and Countryway Boulevard, Developer shall institute an annual monitoring program to address trip generation and trip distribution measured at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above than projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06 (19), Fla. Stat.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase II, the Developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Protection, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Protection for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by the Department of Environmental Protection and the Hillsborough County Environmental Protection Commission.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:

- (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.

- (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
- 3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Preliminary Plat for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
- 4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Preliminary Plat for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
- 5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
- 6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines CMRPC, 1978).

- (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
- (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on predevelopment on-site hydrologic storage and/or off-site conveyance.
- (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
- (f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the Developer provide for a surface water quality monitoring program as specified below:
 - (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.
 - (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
 - (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)
Temperature (deg C)
Specific Conductance (uohm/cm @ deg C)
Dissolved oxygen (mg/l)
Nutrients
- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKM (mg/l)
- nitrate/nitrite (mg/l)

- ammonia (mg/1)
- total organic carbon (mg/1)
- suspended solids (mg/1)
- biological oxygen demand (mg/1)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/1)

(4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

(5) The applicant shall provide all results of the biannual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.

(g) The Developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

(a) The Developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- (1) wetlands to be preserved;
- (2) proposed wetland/lake alterations;
- (3) control of exotic species;
- (4) control of on-site water quality;
- (5) maintenance of natural hydroperiod; and
- (6) methods for wetland restoration/enhancement.

(b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C-3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

(c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER, if it is apparent that preservation

areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.

- (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area" unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Planning and Development Management of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer has prepared a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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 was included in the first annual report submitted after occupancy of the project.

G. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.

- (c) Recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. Structural

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County ordinances.
2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

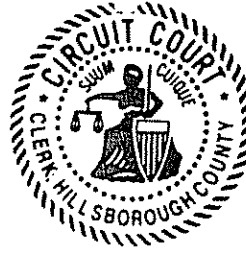
I. Historical or Archeological

The Developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

J. Equal Opportunity

1. The Developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.

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

July 31, 1992

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

Re: Thomas Ranch DRI No. 84 (Westchase)

Dear Ms. Cooper:

Resolution No. R92-0165 which was rendered to the Tampa Bay Regional Planning Council by this office was rendered without its revised site plan and amended legal description. Please disregard the copy of the previously transmitted resolution and accept in place thereof the enclosed certified copy of Resolution No. R92-0165 with the necessary components of its Exhibit "A".

Thank you for your assistance in this matter.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

mailed 7/31/92
received
~~mailed~~ 8/3/92

By: Judith M. Nichols
Judith M. Nichols
Manager, BOCC Records

revised site plan with original
D.O.-amendment document.

JMN:ADF

Attachment

Certified Mail

cc: Board files (1 orig.)

J. Thomas Beck, Florida Department of Community Affairs
Rhea F. Law, Esq., Fowler, White, Gillen, Boggs,
Villareal and Banker, P.A.

John Dixon Wall, Chief Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Steve Luce, Planning and Development Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R92-0165 Amending the Development Order
for Westchase f/k/a Thomas Ranch (DRI #184)

approved by the Board in its its regular meeting
of July 14, 1992, as the same
appears of record in MINUTE BOOK 194 of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st
day of July, 1992.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk.

RESOLUTION NO. R92-0165

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a THOMAS RANCH)

Upon motion by Commissioner James Selvey, seconded by Commissioner Phyllis Busansky, the following Resolution was adopted by a vote of six to zero; Commissioner Kimbell being absent.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty-one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, 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, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addressed the following changes:

- (a) Addition of 57.27 acres of land previously part of Bay Port Colony Tract A, and vested from the DRI process into the Thomas Ranch DRI portion of Westchase;
- (b) Locational change of 37 acres and 300,000 s.f. of commercial entitlement;
- (c) Addition of 4.9 acres of commercial land area and 49,000 s.f. of commercial entitlement;
- (d) Relocation of residential units and offices uses;
- (e) Addition of 7.8 acres and relocation of park land;
- (f) Reduction of 279 single family and 89 multi-family residential units from the 1989 approved plan;
- (g) Reduction of 10.5 acres and 60,000 s.f. of office uses;
- (h) Change of the project phasing schedule and completion date.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, in regular meeting assembled this 14th day of July, 1992, as follows:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Recitals hereto are incorporated by reference herein and made a part hereof, as if fully restated.
 - (b) The presumption that the transfer of 57.27 acres of land from the Vested Bayport Colony Tract A, a parcel vested pursuant to a Binding Letter of Interpretation of Vested Rights, is a substantial deviation to a previously approved Development of Regional Impact has been rebutted by clear and convincing evidence.

- (c) Pursuant to Section 380.06(19), Florida Statutes, the site plan modifications referenced in the Notice of Proposed Change including relocations as well additions and reductions, are presumed not to create a substantial deviation. No clear and convincing evidence was presented to rebut the presumption.
- (d) Pursuant to Section 380.06(19)(c), Florida Statutes, as amended by Pub.L.No. 92-129(1992) the extension of the date of buildout, and any phases thereof, for a period of less than seven years, is presumed not to create a substantial deviation requiring further development of regional impact review. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

- 2. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:
 - (a) The amendment of the Development Order to add 57.27 acres of additional land from Bay Port Colony Tract A does not constitute a substantial deviation requiring further development of regional impact review.
 - (b) The amendment of the Development Order to accommodate the remaining changes identified in Exhibit A such as relocation of various commercial, park land, residential and office uses, as well as additions and reductions in residential and office usage, does not constitute a substantial deviation requiring further development of regional impact review.
 - (c) The extension of the date of buildout, and any phases thereof, does not constitute a substantial deviation requiring further development of regional impact review.
 - (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
 - (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a Thomas Ranch) Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
 - (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan; and

- (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan; and
 - (4) The development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
3. That having made the above findings of fact and drawing the above conclusions of law it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
4. The Westchase (DRI #84) Development Order, as amended herein, is hereby reaffirmed in its entirety.
5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1991).
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 14, 1992, as the same appears of record in Minute Book 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 27th day of July, 1992.

RICHARD AKE, CLERK

NOTARIES PUBLIC
John D. Webb
Noted As To Form And
Legal Sufficiency.

By: Daniel Feymer
Deputy Clerk

EXHIBIT "A"
**PROPOSED DEVELOPMENT ORDER CONDITIONS
FOR THOMAS RANCH**
(7/15/92)

(NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992.)

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ.FT.	COMMERCIAL GROSS SQ.FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989-June 1, 1998)		50,000	995
Phase IIA (1992-June 1, 2003)	49,000		330
Phase IIB (1992-June 1, 2003)		100,000	410
Phase III (1995-June 1, 2008)	152,000	149,000	1142
Phase IV (2000-June 1, 2013)	39,000	50,000	773
	240,000	349,000	3,650

If the developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes., and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of 1,325 Residential Units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program, the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS				
ROADWAY	FROM	TO	%	\$ FAIR SHARE
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Avenue	Sheldon Road	Gunn Highway	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Highway	17.80	472,553
				\$3,900,583

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide 128 feet of right-of-way as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection shall be determined as part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria

- (1) The Developer shall provide plans for the ultimate construction of (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with the Ehrlich Road Extension or with Countryway Boulevard ("Ehrlich/Countryway") which will be determined at the time Hillsborough County establishes the alignment of the Ehrlich Road Extension; and (iii) an interim two-lane rural facility from Ehrlich/Countryway to Racetrack Road.

- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards.
- (3) Roadway drainage shall be designed and constructed for the ultimate six-lane urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches or storm sewers to detention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of (i) the four-lane urban facility from Sheldon Road to Ehrlich/Countryway and (ii) the two-lane rural interim facility from Ehrlich/Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section from Ehrlich/Countryway to Racetrack Road, to be constructed by the developer.
 - (b) Four-lane urban facility to be constructed by the Developer from Sheldon Road to the proposed Ehrlich/Countryway intersection.
 - (c) Six lane urban facility to be provided by the County at its option and when possible from the proposed Ehrlich/Countryway intersection to Race Tract Road.

D. Performance deadlines for completion of the facility are as set forth below.

- (1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site.
- (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed by the Developer within the first twelve months.
- (3) Construction of the roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
- (4) After final acceptance of the right-of-way map and legal description, the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.

- (5) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition 9 below).
8. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
9. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the Developer in a timely manner.
10. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in No. 5 above. If the actual costs and expenditures of the improvements required under this Development Order exceed the Developer's Fair Share or Proportionate Share contribution for Phase I and IIA, calculated to be \$3,900,583 in Section IV.B.5, above, the County shall credit the excess monies toward the Developer's obligations (Fair Share/Proportionate Share Contribution or otherwise) for subsequent phases. During any transportation analysis pursuant to Section IV.A.5., hereof, the Developer shall receive credit for the reduction in impact based upon the reduced number of dwelling units and for the additional capacity of the revised Linebaugh Extension over that originally calculated under this Development Order.

11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either (i) within three years of the effective date of the modification of this order, or (ii) on the date when construction begins on the western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificate of Occupancy shall be issued after this date, unless the required construction of the East/West Connector has begun.
12. The Developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The Developer shall provide to the County, if and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRI.
14. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.
16. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.

17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
18. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner of Linebaugh Avenue Extension and Countryway Boulevard, Developer shall institute an annual monitoring program to address trip generation and trip distribution measured at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above that projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06 (19), Fla. Stat.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase II, the Developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Detailed Site Plan for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.

5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on pre-development on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.

(f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the Developer provide for a surface water quality monitoring program as specified below:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.
- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)

Temperature (deg C)

Specific Conductance (uohm/cm @ deg C)

Dissolved oxygen (mg/l)

Nutrients

- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKM (mg/l)
- nitrate/nitrite (mg/l)
- ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

- (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.
 - (g) The Developer, its heirs, or assigns, shall be responsible for the maintenance of the on-site drainage facilities.
- 7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
 - (a) The Developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
 - (b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.
 - (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being

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

- (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area" unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.

2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- (c) recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.

- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. Structural

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County ordinances.
2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. Historical or Archeological

The Developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

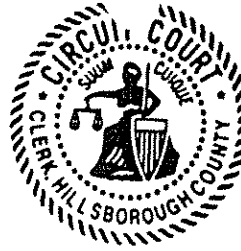
J. Equal Opportunity

1. The Developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.
2. If feasible, the Developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.

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

July 31, 1992

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

Re: Thomas Ranch DRI No. 84 (Westchase)

Dear Ms. Cooper:

Resolution No. R92-0165 which was rendered to the Tampa Bay Regional Planning Council by this office was rendered without its revised site plan and amended legal description. Please disregard the copy of the previously transmitted resolution and accept in place thereof the enclosed certified copy of Resolution No. R92-0165 with the necessary components of its Exhibit "A".

Thank you for your assistance in this matter.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

mailed 7/31/92
received
~~mailed~~ 8/3/92

By: Judith M. Nichols
Judith M. Nichols
Manager, BOCC Records

revised site plan with original
D.O.-amendment document.

JMN:ADF

Attachment

Certified Mail

cc: Board files (1 orig.)

J. Thomas Beck, Florida Department of Community Affairs
Rhea F. Law, Esq., Fowler, White, Gillen, Boggs,
Villareal and Banker, P.A.

John Dixon Wall, Chief Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Steve Luce, Planning and Development Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R92-0165 Amending the Development Order
for Westchase f/k/a Thomas Ranch (DRI #184)

approved by the Board in its its regular meeting
of July 14, 1992, as the same
appears of record in MINUTE BOOK 194 of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st
day of July, 1992.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk.

RESOLUTION NO. R92-0165

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
WESTCHASE (f/k/a THOMAS RANCH)

Upon motion by Commissioner James Selvey, seconded by Commissioner Phyllis Busansky, the following Resolution was adopted by a vote of six to zero; Commissioner Kimbell being absent.

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty-one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 changes thereto; and

WHEREAS, the Board of County Commissioners of Hillsborough County on June 8, 1987, 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, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) (the "Development Order") for the Thomas Ranch Development of Regional Impact (DRI #84) (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates, the successor in interest to the original developer, filed a Notice of Proposed Change to a previously approved Development of Regional Impact and Transportation Update in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, on April 25, 1989, the Board of County Commissioners adopted Resolution No. R89-0098 approving the revised Development Order; and

WHEREAS, on December 23, 1991, a Notification of a Proposed Change to a previously approved Development of Regional Impact pursuant to Section 380.06(19), Florida Statutes, was filed for the Thomas Ranch portion of Westchase ("Notice of Proposed Change"); and

WHEREAS, the Notice of Proposed Change addressed the following changes:

- (a) Addition of 57.27 acres of land previously part of Bay Port Colony Tract A, and vested from the DRI process into the Thomas Ranch DRI portion of Westchase;
- (b) Locational change of 37 acres and 300,000 s.f. of commercial entitlement;
- (c) Addition of 4.9 acres of commercial land area and 49,000 s.f. of commercial entitlement;
- (d) Relocation of residential units and offices uses;
- (e) Addition of 7.8 acres and relocation of park land;
- (f) Reduction of 279 single family and 89 multi-family residential units from the 1989 approved plan;
- (g) Reduction of 10.5 acres and 60,000 s.f. of office uses;
- (h) Change of the project phasing schedule and completion date.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, in regular meeting assembled this 14th day of July, 1992, as follows:

FINDINGS OF FACT

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:
 - (a) The Recitals hereto are incorporated by reference herein and made a part hereof, as if fully restated.
 - (b) The presumption that the transfer of 57.27 acres of land from the Vested Bayport Colony Tract A, a parcel vested pursuant to a Binding Letter of Interpretation of Vested Rights, is a substantial deviation to a previously approved Development of Regional Impact has been rebutted by clear and convincing evidence.

- (c) Pursuant to Section 380.06(19), Florida Statutes, the site plan modifications referenced in the Notice of Proposed Change including relocations as well additions and reductions, are presumed not to create a substantial deviation. No clear and convincing evidence was presented to rebut the presumption.
- (d) Pursuant to Section 380.06(19)(c), Florida Statutes, as amended by Pub.L.No. 92-129(1992) the extension of the date of buildout, and any phases thereof, for a period of less than seven years, is presumed not to create a substantial deviation requiring further development of regional impact review. No clear and convincing evidence was presented to rebut the presumption.

CONCLUSIONS OF LAW

- 2. That the Hillsborough County Board of County Commissioners having made the above findings of fact, reaches the following conclusions of law:
 - (a) The amendment of the Development Order to add 57.27 acres of additional land from Bay Port Colony Tract A does not constitute a substantial deviation requiring further development of regional impact review.
 - (b) The amendment of the Development Order to accommodate the remaining changes identified in Exhibit A such as relocation of various commercial, park land, residential and office uses, as well as additions and reductions in residential and office usage, does not constitute a substantial deviation requiring further development of regional impact review.
 - (c) The extension of the date of buildout, and any phases thereof, does not constitute a substantial deviation requiring further development of regional impact review.
 - (d) All statutory procedures have been adhered to in the submittal and review of the Notice of Proposed Change.
 - (e) Based upon compliance with the terms and conditions of the Westchase (f/k/a Thomas Ranch) Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
 - (1) The changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan; and

- (2) The development is consistent with the State Comprehensive Plan; and
 - (3) The development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan; and
 - (4) The development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
3. That having made the above findings of fact and drawing the above conclusions of law it is hereby ordered that the Westchase (DRI #84) Development Order is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
 4. The Westchase (DRI #84) Development Order, as amended herein, is hereby reaffirmed in its entirety.
 5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
 6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1991).
 7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 14, 1992, as the same appears of record in Minute Book 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 27th day of July, 1992.

RICHARD AKE, CLERK

NOTED BY COUNTY ATTORNEY
John D. Wall
Noted As To Form And
Legal Sufficiency.

By: Donald J. Fymer
Deputy Clerk

EXHIBIT .. "A"
PROPOSED DEVELOPMENT ORDER CONDITIONS
FOR THOMAS RANCH
(7/15/92)

(NOTE: These Conditions are D.O. Conditions as approved by Hillsborough County on April 25, 1989, and amended on July 14, 1992.)

IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE AND DEADLINE

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

YEARS	OFFICE GROSS SQ.FT.	COMMERCIAL GROSS SQ.FT.	RESIDENTIAL (DWELLING UNITS)
Phase I (1989- June 1, 1998)		50,000	995
Phase IIA (1992- June 1, 2003)	49,000		330
Phase IIB (1992- June 1, 2003)		100,000	410
Phase III (1995- June 1, 2008)	152,000	149,000	1142
Phase IV (2000- June 1, 2013)	39,000	50,000	773
	240,000	349,000	3,650

If the developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including June 1, 2017. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.
5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Florida Statutes., and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until June 1, 2017, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of 1,325 Residential Units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program, the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS				
ROADWAY	FROM	TO	%	\$ FAIR SHARE
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Avenue	Sheldon Road	Gunn Highway	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Highway	17.80	472,553
				\$3,900,583

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide 128 feet of right-of-way as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the in-between intersection shall be determined as part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria

- (1) The Developer shall provide plans for the ultimate construction of (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with the Ehrlich Road Extension or with Countryway Boulevard ("Ehrlich/Countryway") which will be determined at the time Hillsborough County establishes the alignment of the Ehrlich Road Extension; and (iii) an interim two-lane rural facility from Ehrlich/Countryway to Racetrack Road.

- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards.
- (3) Roadway drainage shall be designed and constructed for the ultimate six-lane urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches or storm sewers to detention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of (i) the four-lane urban facility from Sheldon Road to Ehrlich/Countryway and (ii) the two-lane rural interim facility from Ehrlich/Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section from Ehrlich/Countryway to Racetrack Road, to be constructed by the developer.
 - (b) Four-lane urban facility to be constructed by the Developer from Sheldon Road to the proposed Ehrlich/Countryway intersection.
 - (c) Six lane urban facility to be provided by the County at its option and when possible from the proposed Ehrlich/Countryway intersection to Race Tract Road.

D. Performance deadlines for completion of the facility are as set forth below.

- (1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site.
- (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed by the Developer within the first twelve months.
- (3) Construction of the roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
- (4) After final acceptance of the right-of-way map and legal description, the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.

- (5) Should the Developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition 9 below).
8. In consideration of the public benefit gained as a result of the Developer's design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh Extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
9. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the Developer in a timely manner.
10. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in No. 5 above. If the actual costs and expenditures of the improvements required under this Development Order exceed the Developer's Fair Share or Proportionate Share contribution for Phase I and IIA, calculated to be \$3,900,583 in Section IV.B.5, above, the County shall credit the excess monies toward the Developer's obligations (Fair Share/Proportionate Share Contribution or otherwise) for subsequent phases. During any transportation analysis pursuant to Section IV.A.5., hereof, the Developer shall receive credit for the reduction in impact based upon the reduced number of dwelling units and for the additional capacity of the revised Linebaugh Extension over that originally calculated under this Development Order.

11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either (i) within three years of the effective date of the modification of this order, or (ii) on the date when construction begins on the western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificate of Occupancy shall be issued after this date, unless the required construction of the East/West Connector has begun.
12. The Developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The Developer shall provide to the County, if and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRI.
14. The Developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 Long Range Plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The Developer shall reserve a park 'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.
16. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.

17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.
18. Upon achieving fifty (50) percent occupancy within the 300,000 square feet of retail commercial development approved for the 57.27 acre tract at the northwest corner of Linebaugh Avenue Extension and Countryway Boulevard, Developer shall institute an annual monitoring program to address trip generation and trip distribution measured at the project boundaries. The results of the monitoring report shall be included in the annual report. If the report indicates an increase by fifteen (15) percent or more in the number of trips generated or distributed above that projected, and said increase has not been otherwise offset, the project shall be subject to substantial deviation review pursuant to Chapter 380.06 (19), Fla. Stat.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase II, the Developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions, the Developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the Developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practical.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The Developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the Detailed Site Plan for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible, these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.

5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on pre-development on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.

(f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the Developer provide for a surface water quality monitoring program as specified below:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through buildout.
- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

Streamflow (cfs)

Temperature (deg C)

Specific Conductance (uohm/cm @ deg C)

Dissolved oxygen (mg/l)

Nutrients

- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKM (mg/l)
- nitrate/nitrite (mg/l)
- ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

- (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.
 - (g) The Developer, its heirs, or assigns, shall be responsible for the maintenance of the on-site drainage facilities.
7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
- (a) The Developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
 - (b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.
 - (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being

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

- (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area" unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The Developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The Developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.

2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the Developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
4. The Developer shall be responsible for maintenance and operation of any on-site wells.

E. Hazardous Waste

1. The Developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. Hurricane Education

The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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. Energy Conservation

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- (c) recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.

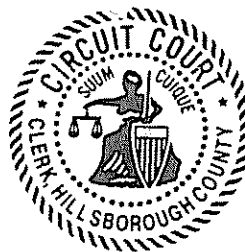
J. Equal Opportunity

1. The Developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The Developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.
2. If feasible, the Developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. General

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored except as they may be superseded by specific terms of the Development Order.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



SB ✓
SC —

CERTIFIED MAIL

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

May 5, 1989

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

Attn: Julia Greene
Executive Director

Re: Resolution No. R89-0098 - DRI #84 Development Order
Amendment - Thomas Ranch

Dear Ms. Greene:

Enclosed please find an executed copy of the subject resolution, with exhibits, which was adopted by the Hillsborough County Board of County Commissioners on April 25, 1989.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

cc: Board files (orig.)
State of Florida Department of Community Affairs
William L. Bishop, President, Westchase Associates
John Wall, Assistant County Attorney
Steve Luce, Community Planner, Planning & Zoning
Enclosure

ELF/lt

An Affirmative Action - Equal Opportunity Employer

P.O. Box

RESOLUTION NO. R89-0098

DRI #84 DEVELOPMENT ORDER AMENDMENT
THOMAS RANCH

Upon motion of Commissioner Padgett, seconded by Commissioner Colson, the following Resolution was adopted on this 25th day of April, 1989.

WHEREAS, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) for the Thomas Ranch (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the Thomas Ranch DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes.

WHEREAS, the Notice of Change proposed a modification to authorize the reduction in residential density and the realignment of the Linebaugh Avenue Extension for the Development in accordance with the terms and conditions of the Development Order; and

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

1. That the following findings of fact are made:
 - (a) The amendments to the Development Order, as reflected on Exhibit "A" attached hereto, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1987).
 - (b) All statutory procedures have been adhered to.
 - (c) The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.
2. That the Development Order is hereby amended as shown in Exhibit "A" attached hereto and made a part hereof.
3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
4. That Developer's Certification, Exhibit "B" attached hereto, affirming a copy of the Notice of Change has been delivered to all persons as required by law.
5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1987).
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 25, 1989, as the same appears of record in Minute Book 155 of the Public Records of Hillsborough County, Florida.

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

RICHARD AKE, CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

CHK/079

APPROVED BY COUNTY ATTORNEY
BY John Dignan Wall
Approved As To Form And
Legal Sufficiency.

RESOLUTION NO. R87-0195

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
THOMAS RANCH

Upon motion by Commissioner Padgett, seconded by Commissioner Talley, the following Resolution was adopted by a vote of 7 to 0; Commissioner(s) NONE voting "No."

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 June 8, 1987, 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 interest 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 15TH DAY OF JUNE, 1987, AS FOLLOWS:

Exhibit A

I. FINDINGS OF FACT

A. Metro Development Corporation of Tampa Bay, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an 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 response and other exhibits duly submitted and recorded.

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

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

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

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

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(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 are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

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

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Low Density Residential and Research Corporate Park.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application and sufficiency 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.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Thomas Ranch Development of Regional Impact.

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

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

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected 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 Thomas Ranch, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

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

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such non-compliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination who shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order.

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

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1985).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadline

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

<u>YEARS</u>	<u>OFFICE GROSS SQ.FT.</u>	<u>COMMERCIAL GROSS SQ.FT.</u>	<u>RESIDENTIAL (DWELLING UNITS)</u>
Phase I \(1987- \(1989-1991)		50,000	\1,498\ <u>995</u>
Phase IIA (1992-1996)	49,000		\1,057\ <u>330</u>
Phase IIB (1992-1996)		100,000	\440\ <u>410</u>
Phase III (1997-2001)	152,000	100,000	\1,497\ <u>1,142</u>
Phase IV (2002-2006)	<u>99,000</u>	<u>50,000</u>	\1,498\ <u>1,141</u>
	300,000	300,000	\5,990\ <u>4,018</u>

If the developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including July 1, 2010. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.

5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Fla. Stats., and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until July 1, 2010, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of ~~2,555 multi-family~~ 1,325 residential units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection ~~of the project entrance north~~ of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program, the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS

<u>ROADWAY</u>	<u>FROM</u>	<u>TO</u>	<u>%</u>	<u>\$FAIR SHARE</u>
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Avenue	Sheldon road	Gunn Hwy.	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Hwy.	17.80	<u>472,553</u>
				\$3,900,583

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly ~~direction along the southern and western boundaries of the Thomas Ranch Development, then in a westerly~~ direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide ~~\150\~~ 128 feet of right-of-way ~~\along the south and west boundaries of the site as illustrated on the\~~ as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide

the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the three in-between intersections shall be determined as a part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria.

- (1) The Developer shall ~~construct to~~ provide plans for the ultimate construction of ~~the six-lane and four-lane limited access facilities, and~~ (i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with the Ehrlich Road Extension or with Countryway Boulevard ("Ehrlich/Countryway") which will be determined at the time Hillsborough County establishes the alignment of the Ehrlich Road Extension; and (iii) an interim two-lane rural facility from Ehrlich/Countryway to Racetrack Road.
- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards ~~and the Florida Department of Transportation's Plans Preparation Manual and Standards Specifications for Construction.~~
- (3) ~~Drainage~~ Roadway drainage shall be designed and constructed for the ultimate six-lane ~~expressway~~ urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches ~~to retention~~ or storm sewers to detention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of ~~the two-lane rural interim facilities from Sheldon Road~~ (i) the four-lane urban facility from Sheldon Road to Ehrlich/Countryway and (ii) the two-lane rural interim facility from Ehrlich/Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section from Ehrlich/Countryway to Racetrack Road, to be constructed by the developer.
 - (b) Four-lane ~~limited access~~ urban facility to be constructed by the ~~County~~ Developer from Sheldon Road to the

proposed ~~\Linebaugh/Country Way\~~
Ehrlich/Countryway intersection.

- (c) Six-lane ~~\limited access\~~ urban facility to be provided by the County, at its option and when possible, from the proposed ~~\Linebaugh/Country Way\~~ Ehrlich/Countryway intersection to Race Track Road.

D. Performance deadlines for completion of the facility are as set forth below.

- (1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site ~~\is established by the County\~~.
- (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed by the developer within the first twelve months.
- (3) Construction of the ~~\interim\~~ roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
- (4) After final acceptance of the right-of-way map and legal description the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.
- (5) Should the developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition ~~\8\~~ 9 below).

8. In consideration of the public benefit gained as a result of the developers design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.

9. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the developer in a timely manner.

10. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in No. 5 above. If the actual costs and expenditures of the improvements required under this Development Order exceed the Developer's Fair Share or Proportionate Share contribution for Phases I and IIA, calculated to be \$3,900,583 in Section IV.B.5, above, the County shall credit the excess monies toward the Developer's obligations (Fair Share/Proportionate Share Contribution or otherwise) for subsequent phases. During any transportation analysis pursuant to Section IV.A.5, hereof, the Developer shall receive credit for the reduction in impact based upon the reduced number of dwelling units and for the additional capacity of the revised Linebaugh extension over that originally calculated under this Development Order.
11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either ~~required~~ (i) within three years of the effective date of the modification of this order, or (ii) on the date ~~when construction begins on the off-site western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later.~~ No Certificates of Occupancy shall be issued after this date unless the required construction of the East/West Connector has begun.
12. The developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire ~~east portion~~ eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The ~~County, the~~ developer shall provide ~~as~~ to the County, if and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRI.
14. The developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 long range plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The developer shall reserve a park'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.

16. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase 2, the developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions, the developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practicable.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the ~~General Development Plan~~ Detailed Site Plan for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible

these areas shall be located contiguous to other habitats, conserved so as to enhance their value.

4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the ~~shall will be the 50-year conveyance with a foot of free board without increasing high water~~ site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on pre-development on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
 - (f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the developer provide for a surface water quality monitoring program as specified below:
 - (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should

characterize baseline conditions through buildout.

- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

- streamflow (cfs)
- temperature (deg C)
- specific conductance (uohm/cm @ deg C)
- dissolved oxygen (mg/l)
- nutrients
 - total phosphorous (mg/l)
 - ortho-phosphate (mg/l)
 - TKN (mg/l)
 - nitrate/nitrite (mg/l)
 - ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.
- (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.

- (g) The developer, its heirs, or assigns, shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

- (a) The developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
- (b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

- (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
 - (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area," unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
 - 9. The developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
 - 10. The developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
 - 11. The developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
 - 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
- 3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the developer shall verify to the satisfaction of Hillsborough County that adequate solid

waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.

4. The developer shall be responsible for maintenance and operation of any on-site wells.

E. HAZARDOUS WASTE

1. The developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of waters and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. HURRICANE EDUCATION

The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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. ENERGY CONSERVATION

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- (c) Recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. STRUCTURAL

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as

described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County Ordinances.

2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. HISTORICAL OR ARCHAEOLOGICAL

The developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

J. EQUAL OPPORTUNITY

1. The developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.
2. If feasible, the developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. GENERAL

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, 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 a true and correct copy of a Resolution adopted by the Board at its public hearing meeting of June 15, 1987, as same appears of record in Minute Book 133 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of July, 1987.

RICHARD AKE, CLERK

By: Edna A. Fitzpatrick
Deputy Clerk

CJK/057COM4

Exhibit B

**AFFIDAVIT CERTIFYING DISTRIBUTION OF A
NOTIFICATION OF A PROPOSED CHANGE TO A
PREVIOUSLY APPROVED DEVELOPMENT REGIONAL IMPACT (DRI)**

On behalf of the Developer, Westchase Associates, I, Cheryl J. King, as their legal counsel, do hereby certify that a Notification of a Proposed Change to a Previously Approved DRI has been transmitted to the following:

Florida Department of Community Affairs
Bureau of Land and Water Management
2740 Centerview Drive
Tallahassee, FL 32399

Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702-2491

Hillsborough County Board of County Commissioners
Post Office Box 1110
Tampa, Florida 33601

FURTHER, Affiant sayeth not.

Cheryl J. King
Attorney For the Developer

Sworn to and subscribed
this 24th day of April,
1989.

Mary G. Richard
Notary Public

My Commission Expires:
~~Notary Public, State of Florida at Large~~
My Commission Expires Feb. 25, 1992
~~Bonded thru Agent's Notary Brokerage~~

CJK/079



**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
THOMAS RANCH**

Upon motion by Commissioner Padgett,
seconded by Commissioner Talley, the
following Resolution was adopted by a vote of 7 to 0; Commissioner(s)

None

voting "No."

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 June 8, 1987 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 15th DAY OF

June, 1987, AS FOLLOWS:

I. FINDINGS OF FACT

A. Metro Development Corporation of Tampa Bay, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an 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 response and other exhibits duly submitted and recorded.

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

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

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

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

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(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 are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

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

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Low Density Residential and Research Corporate Park.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application and sufficiency 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.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Thomas Ranch Development of Regional Impact.

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

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume

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

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected 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 Thomas Ranch, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

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

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such non-compliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination who shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

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

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

3. A statement listing all applications for incremental review

required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

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

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

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1985).

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 (Gross Sq. Ft.)</u>	<u>Commercial (Gross Sq. Ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1987-1991)		50,000	1,498
Phase IIA (1992-1996)	49,000		1,057
Phase IIB (1992-1996)		100,000	440
Phase III (1997-2001)	152,000	100,000	1,497
Phase IV (2002-2006)	<u>99,000</u> 300,000	<u>50,000</u> 300,000	<u>1,498</u> 5,990

Handwritten:
Approved
by Board of
County Commissioners
1/11/91

If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including July 1, 2010. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess

infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.

5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section

380.06 F.S. and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.

6. The development shall not be subject to down-zoning, or intensity reduction until July 1, 2010, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of 2,555 multi-family units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection of the project entrance north of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.
4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of

this developer on transportation facilities, the developer shall be required to design and construct that portion of Linebaugh Avenue that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS

<u>ROADWAY</u>	<u>FROM</u>	<u>TO</u>	<u>%</u>	<u>\$FAIR SHARE</u>
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Ave.	Sheldon Road	Gunn Hwy.	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Hwy.	17.80	472,553
				<u>\$3,900,583</u>

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a westerly direction along the southern and western boundaries of the Thomas Ranch Development, then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide 150 feet of right-of-way along the south and west boundaries of the site as illustrated on the conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the three in between intersections shall be determined as a part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria

- (1) The Developer shall construct to provide plans for the ultimate construction of the six-lane and four-lane limited access facilities, and an interim two-lane rural facility.
- (2) The plans and specifications 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 Specifications for Construction.
- (3) Drainage shall be designed and constructed for the ultimate six-lane expressway configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches to retention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of the two-lane rural interim facilities from Sheldon Road to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section to be constructed by the developer.
 - (b) Four-lane limited access facility to be constructed by the County from Sheldon Road to the proposed Linebaugh/Country Way intersection.
 - (c) Six-lane limited access facility to be provided by the County from the proposed Linebaugh/Country Way intersection to Race Track Road.

D. Performance deadlines for completion of the facility are as set forth below:

- (1) Start date shall be the date the final roadway corridor for that portion of the facility west of the Thomas Ranch site is established by the County.
 - (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed within the first twelve months.
 - (3) Construction of the interim facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
 - (4) After final acceptance of the right-of-way map and legal description the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.
 - (5) Should the developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension, (see also condition 8 below).
7. In consideration of the public benefit gained as a result of the developers design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
8. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the developer in a timely manner.

9. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in 5. above.
10. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either required within three years of the effective date of this order, or on the dates when construction begins on the off-site western portion of the Linebaugh Avenue extension, whichever comes later. No Certificates of Occupancy shall be issued after this date unless the required construction of the East/West Connector has begun.
11. The developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire east portion of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
12. The County, the developer shall provide as and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRL.
13. The developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 long range plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as a urban type roadway section.
14. The developer shall reserve a park'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.
15. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
16. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase 2, the developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for

approval, a PC for review. Implementatic effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

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Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions the developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically the developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practicable.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the General Development Plan to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the shall will be the 50-year conveyance with a foot of free-board without increasing high water. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - a. The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - b. The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - c. Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - d. There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact upon pre-development on-site hydrologic storage and/or off-site conveyance.
 - e. The stormwater management system shall be designed to maintain

Clean this up

the existing hydroperiod levels and frequency as well as the hydraulic connections between on-site wetlands.

- f. There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the developer provide for a surface water quality monitoring program as specified below:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through build-out. *as indicated on map.*

- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.

- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

streamflow (cfs)
temperature (deg C)
specific conductance (uohm/cm @ deg C)
dissolved oxygen (mg/l)
nutrients
- total phosphorous (mg/l)
- ortho-phosphate (mg/l)
- TKN (mg/l)
- nitrate/nitrite (mg/l)
- ammonia (mg/l)
total organic carbon (mg/l)
suspended solids (mg/l)
biological oxygen demand (mg/l)
coliform bacteria (MPN)
oils and greases
total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.

- (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project build-out.

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- g. The developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

- a. The developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- (1) wetlands to be preserved;
(2) proposed wetland/lake alterations;
(3) control of exotic species;
(4) control of on-site water quality;
(5) maintenance of natural hydroperiod; and
(6) methods for wetland restoration/enhancement.

- b. No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

- c. Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
 - d. The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area," unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
 - 9. The developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
 - 10. The developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
 - 11. The developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
 - 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required preliminary plat approval, for each phase of the development, the developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
- 3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
- 4. The developer shall be responsible for maintenance and operation of any on-site wells.

E. HAZARDOUS WASTE

- 1. The developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the

location su for the specially-designated dous waste and materials containers/ areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. HURRICANE EVACUATION

The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be followed 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 portio of the project.

G. ENERGY CONSERVATION

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- a. The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- c. Recycling programs.
- d. The use of energy-efficient cooling, heating and lighting systems.
- e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- f. Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. STRUCTURAL

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County Ordinances.
2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. HISTORICAL OR ARCHAEOLOGICAL

The developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough

County.

J. EQUAL OPPORTUNITY

1. The developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment areas shall be available to all, on a fair and impartial basis.
2. If feasible, the developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. GENERAL

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored, except as they may be superceded 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 a true and correct copy of a Resolution adopted by the Board at its _____ public hearing _____ meeting of _____ June 15, 1987 _____, as same appears of record in Minute Book _____ 133 _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ 7th _____ day of _____ July _____, 1987.

RICHARD AKE, CLERK

APPROVED BY COUNTY ATTORNEY
BY _____
Approved As To Form And
Legal Sufficiency.

By: Edna L. Fitzpatrick
Deputy Clerk

THOMAS RANCH
Developer's Commitments

Attachment 1

DEVELOPER COMMITMENTS *

1. "The Thomas Ranch development will have an overall gross residential density of 4.1 dwelling units per gross acre..." (Supplemental Response, P. I-1)
 2. "Commercial development will be internally located within the project and developed as small neighborhood commercial centers..." (ADA, Pg. 12-6)
 3. Recreational facilities planned include an 18-hole golf course to be built during Phases I and II. A 14-acre public park/retreat center will be developed during Phase II and include tot lots, play areas, racquetball/basketball courts, open areas for football, soccer, and softball. (ADA, Pg. 12-7, and Supplemental Response, I-3) (D.C. Hillsborough County has agreed to allow flexibility between recreational uses, therefore active/passive recreation may be substituted for the golf course or vice versa.)
 4. Entrances into Thomas Ranch will be constructed as follows: during Phase I an entrance will be constructed midway along the property's frontage on Sheldon Road, in Phase II a second major entrance will be located where Linebaugh Avenue now terminates at Sheldon Road. A third access will be located at the southwest corner of the street on Linebaugh Avenue which will eventually extend through Bay Park Colony to Hillsborough Avenue and Race Track Road. (ADA, Pg. 12-10 and 12-11) (Developer deletion)
 5. Extensive landscaping and berming will be used to buffer the commercial sites from the adjoining neighborhoods. (ADA, Pg. 12-11)
 6. Commercial sites will be small scale, averaging five to 10 acres and not exceeding 110,000 square feet of development. Phasing has been coordinated to insure that there will always be a positive relationship between the level of on-site commercial space required to use this support the project's increasing population. (ADA, Pg. 12-11 and Supplemental Response, II-8)
 7. "The project's anticipated contribution to four-laning Sheldon Road, as well as the proposal to extend Linebaugh Avenue as a major east-west collector through the project...will greatly increase the circulation through the transportation network..." (ADA, Pg. 12-12)
 8. "...adequate groundwater levels will be maintained." (ADA, Pg. 12-12)
 9. On-site retention/detention ponds will insure that the stormwater runoff is properly treated before release to DCR jurisdictional wetlands. (ADA, Pg. 12-12)
 10. Of the 315 acres of wetlands on-site, only 5 percent will be altered. (Sufficiency Response, C.4.)
- * Developer Clarification (DC) included within brackets as submitted by developer.

11. Of the 170 acres of lakes, those with littoral shelves will be aquascaped with native wetland species. (Sufficiency Response, C.1.)
12. Erosion will be controlled by limiting areas of clearing to only those to be developed. Watering, berming, seeding, sodding, turbidity barriers, haybale barriers and other methods will be utilized to prevent erosion or deterioration of water quality. (ADA, Pg. 14-9)
13. Existing surface "water quality conditions should not change significantly after development is complete because (1) significant natural wetlands will be left intact, (2) all stormwater will be treated in accordance with DCR and SWPMD regulations." (ADA, Pg. 15-3)
14. Thomas Ranch will not have an adverse effect on the quality of the area's groundwater aquifer systems. (ADA, Pg. 15-3)
15. "Should any potential future tenant of the property generate hazardous waste, a groundwater monitoring program would be implemented, as required by Chapters 17-3 and 17-4, Florida Administrative Code." (ADA, Pg. 15-4)
16. "Treatment will be provided within the detention areas and interconnected grassed swale systems in compliance with Chapter 17-3, Florida Administrative Code, prior to discharge into wetlands contiguous with Double Branch Creek." (ADA, Pg. 15-4)
17. "The total amount and rate of runoff leaving the site will be the same before and after development, hence surrounding wetlands should not experience any net change in hydroperiod." (ADA, Pg. 16-2)
18. "The integrity of the large cypress swamps and stands in the western half of the property will be preserved in their existing state, except for minimal encroachments for access roads and other facilities vital to development of the property." (ADA, Pg. 16-3)
19. "Any development within the floodplain will have all floor elevations above the 100-year flood prone level, except as granted by variance to existing local codes and ordinances." (ADA, Pg. 17-2 and Supplemental Response, III-9)
20. "Approximately one-half of the southern freshwater marsh will be preserved in its natural state." (ADA, Pg. 18-12)
21. The disposition of any historical or archaeological resources located during construction will be determined in cooperation with the Division of Archives and Hillsborough County. (Supplemental Response III-5)
22. All normal water distribution and wastewater collection systems within the project boundaries will be provided by the developer in accordance with existing County ordinances. Any "oversizing" of onsite systems or offsite requirements will be addressed through the required capacity fees payments. (Supplemental Response, III-5)

23. Water conservation fixtures will be utilized to the maximum extent feasible. (ADA, Pg. 21-2)
24. "No septic tanks will be utilized within the project, except during construction of the development." (ADA, Pg. 21-3 and Supplemental Responses, III-6)
25. "The 'upper' and 'lower' Double Branch Creek tributaries will continue to serve as the primary outfalls for the site and the large natural storage areas located in the eastern and western portions of the site will continue to be utilized for stormwater storage and conveyance purposes." (ADA, Pg. 22-2)
26. "The final design of the master drainage facilities will be in accordance with the guidelines presented on Map G-3 and will be subject to the review and approval of Hillsborough County." (ADA, Pg. 22-2)
27. "On-site storage facilities will be sized to limit future condition outflow rates from the site for the 25-year, 24-hour duration event over the existing condition outflow rates determined for the 10-year, 24-hour duration rainfall event in accordance with Hillsborough County development regulations." (ADA, Pg. 22-2)
28. "Surface runoff from approximately 3,245 acres of off-site drainage will continue to be conveyed through the site." (ADA, Pg. 22-4)
29. "Degradation of water quality in the ultimate receiving body (Bay) will be minimized by providing stormwater quality treatment at the detention facilities or prior to discharging to the detention facilities in accordance with Chapter 17-29 of the Florida Administrative Code." (ADA, Pg. 22-6)
30. "No adverse regional impact on water table levels will occur as a result of the Master Drainage Plan." (ADA, Pg. 22-7)
31. "Tributary flows of Double Branch Creek will not be significantly increased as a result of this development..." (ADA, Pg. 22-8)
32. Non-potable water demand for approximately 135 acres of golf course and 250 acres of park buffer, open space and road right-of-way will be served by an effluent spray irrigation system. (ADA, Pg. 23-1 see..03)
33. "Non-potable water will be used for irrigation purposes." (ADA, Pg. 23-2)
34. The following energy conservation measures will be incorporated into the Thomas Ranch project:
 - o Internal loops for traffic circulation and a through connection between Sheldon Road and Bay Port Colony to provide a new route for east-west traffic.
 - o Emphasis on east/west street orientations to facilitate passive solar building orientation.

- o A pattern of efficiently-located mixed land uses.
 - o A variety of energy efficient housing choices.
 - o A bicycle and pedestrian trail system.
 - o Preservation of existing vegetation in green belts and conservation areas.
 - o All dwelling units will conform to the Florida Model Energy Efficiency Building Code. (ADA, Pgs. 25-3 and 25-4)
35. The applicant has reserved a 15-acre elementary school site and 25-acre junior high school site to meet the projected number of school-age children residing in Thomas Ranch. (ADA, Pg. 26-2)
 36. "Approximately 699 acres or 40 percent of the total acres is planned for active recreation and common open space." (ADA, Pg. 27-2) (See suggested examples in ADA, Page 27-1)
 37. A proposed 14-acre park site, constructed and outfitted by the developer, will be turned over to Hillsborough County. (Supplemental Response, III-9) (D.C. sec.. 03)
 38. "The proposed golf course will be owned, operated and maintained by the developer or his designee." (Supplemental Response, III-9) (D.C. sec.. 03)
 39. Maintenance of lakes, lakeshores, roadside buffers, street lights, and any other greenbelt areas will either be included in a Special Municipal Taxing District (MSTD) or be the responsibility of the Master Homeowners Association. (S.R., Pg. 10) (D.C. Hillsborough County may assume responsibility through dedication)
 40. Building construction will be consistent with current Hillsborough County requirements for new development and in compliance with the Hillsborough County Fire Department Codes. (S.R., Pg 12)
 41. "The developer is willing to provide bus information schedules and bus shelters at all bus stops in the development as designated by HART." (Supplemental Responses, III-8)
 42. "The developer or his assigns will install the main roadway system, utilities, landscaping and golf course." (ADA, Pg. 32-4 and Supplemental Responses, III-9) (D.C. sec.. 03)
 43. Within the development, right-of-way for the extension of Linebaugh Avenue, by Hillsborough County will be reserved. (S.R., Pg. 23 and Supplemental Response III-9)
 44. The initial (wastewater treatment) plant size will be 100,000 + gallons per day (GPD) with a final capacity of 250,000 GPD to serve Phase I. (Sufficiency Response, E.2.)

45. "The proposed two-acre interim wastewater treatment plant will be constructed only if all other pertinent options are found infeasible. The plant will be a secondary or advanced secondary wastewater treatment plant and...will remain in service until the County can provide permanent service..." (Sufficiency Response E.2.) (D.C. or such other GPD as is required to serve Phase I as required by appropriate regulatory agencies)
46. Pedestrian and bikeway systems will be located to be separated from vehicular circulation routes. (Supplemental Response, I-4) 9See discussion contained in Supplemental Response I-4)

45. "The proposed two-acre interim wastewater treatment plant will be constructed only if all other pertinent options are found infeasible. The plant will be a secondary or advanced secondary wastewater treatment plant and...will remain in service until the County can provide permanent service..." (Sufficiency Response E.2.) (D.C. or such other GPD as is required to serve Phase I as required by appropriate regulatory agencies)
46. Pedestrian and bikeway systems will be located to be separated from vehicular circulation routes. (Supplemental Response, I-4) 9See discussion contained in Supplemental Response I-4)

RESOLUTION NO. R89-0098

**DRI #84 DEVELOPMENT ORDER AMENDMENT
THOMAS RANCH**

Upon motion of Commissioner Padgett, seconded by Commissioner Colson, the following Resolution was adopted on this 25th day of April, 1989.

WHEREAS, on June 15, 1987, the Board of County Commissioners approved a Development Order (Resolution No. R87-0195) for the Thomas Ranch (the "Development") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 9, 1988, Westchase Associates filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes and Transportation Update for the Thomas Ranch DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes.

WHEREAS, the Notice of Change proposed a modification to authorize the reduction in residential density and the realignment of the Linebaugh Avenue Extension for the Development in accordance with the terms and conditions of the Development Order; and

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

1. That the following findings of fact are made:
 - (a) The amendments to the Development Order, as reflected on Exhibit "A" attached hereto, do not create a change to a previously approved DRI constituting a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes (1987).
 - (b) All statutory procedures have been adhered to.
 - (c) The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.
2. That the Development Order is hereby amended as shown in Exhibit "A" attached hereto and made a part hereof.
3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
4. That Developer's Certification, Exhibit "B" attached hereto, affirming a copy of the Notice of Change has been delivered to all persons as required by law.
5. The Developer shall record a notice of adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1987).
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 25, 1989, as the same appears of record in Minute Book 155 of the Public Records of Hillsborough County, Florida.

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

RICHARD AKE, CLERK

By: Edna L. Fitzpatrick
Deputy Clerk

CJK/079

APPROVED BY COUNTY ATTORNEY
BY John D. Ryan Hall
Approved As To Form And
Legal Sufficiency.

RESOLUTION NO. R87-0195

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF
HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
THOMAS RANCH

Upon motion by Commissioner Padgett, seconded by Commissioner Talley, the following Resolution was adopted by a vote of 7 to 0; Commissioner(s) NONE voting "No."

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 June 8, 1987, 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 interest 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 15TH DAY OF JUNE, 1987, AS FOLLOWS:

I. FINDINGS OF FACT

A. Metro Development Corporation of Tampa Bay, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an 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 response and other exhibits duly submitted and recorded.

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

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

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

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

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(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 are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

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

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Low Density Residential and Research Corporate Park.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application and sufficiency 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.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Thomas Ranch Development of Regional Impact.

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

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

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected 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 Thomas Ranch, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

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

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such non-compliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination who shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order.

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

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1985).

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadline

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

<u>YEARS</u>	<u>OFFICE GROSS SQ.FT.</u>	<u>COMMERCIAL GROSS SQ.FT.</u>	<u>RESIDENTIAL (DWELLING UNITS)</u>
Phase I \(1987- <u>\(1989-1991)</u>		50,000	\1,498\ <u>995</u>
Phase IIA (1992-1996)	49,000		\1,057\ <u>330</u>
Phase IIB (1992-1996)		100,000	\440\ <u>410</u>
Phase III (1997-2001)	152,000	100,000	\1,497\ <u>1,142</u>
Phase IV (2002-2006)	<u>99,000</u>	<u>50,000</u>	\1,498\ <u>1,141</u>
	300,000	300,000	\5,990\ <u>4,018</u>

If the developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including July 1, 2010. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.

5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section 380.06, Fla. Stats., and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.
6. The development shall not be subject to down-zoning, or intensity reduction until July 1, 2010, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of ~~2,555 multi-family~~ 1,325 residential units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection ~~of the project entrance north~~ of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program, the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.

4. The developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue or the Ehrlich Road Extension that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS

ROADWAY	FROM	TO	%	\$FAIR SHARE
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Avenue	Sheldon road	Gunn Hwy.	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Hwy.	17.80	<u>472,553</u>
				\$3,900,583

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a northwesterly direction to the western property boundary and then in a westerly ~~direction along the southern and western boundaries of the Thomas Ranch Development, then in a westerly~~ direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide ~~150~~ 128 feet of right-of-way ~~along the south and west boundaries of the site as illustrated on the~~ as illustrated on the amended conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide

the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the three in-between intersections shall be determined as a part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria.

- (1) The Developer shall ~~\construct to\~~ provide plans for the ultimate construction of ~~\the six-lane and four-lane limited access facilities, and \~~(i) the six-lane urban facility from Sheldon Road west to Racetrack Road; (ii) the interim four-lane urban facility from Sheldon Road west to the intersection of the Linebaugh Avenue Extension with the Ehrlich Road Extension or with Countryway Boulevard ("Ehrlich/Countryway") which will be determined at the time Hillsborough County establishes the alignment of the Ehrlich Road Extension; and (iii) an interim two-lane rural facility from Ehrlich/Countryway to Racetrack Road.
- (2) The plans and specifications shall be prepared in a manner normally used in Hillsborough County roadway projects so as to accommodate the ultimate planned laneage with minimum cost and disruption. Approval shall be in accordance with Hillsborough County Standards ~~\and the Florida Department of Transportation's Plans Preparation Manual and Standards Specifications for Construction.\~~
- (3) ~~\Drainage\~~ Roadway drainage shall be designed and constructed for the ultimate six-lane ~~\expressway\~~ urban facility configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches ~~\to retention\~~ or storm sewers to detention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of ~~\the two-lane rural interim facilities from Sheldon Road\~~(i) the four-lane urban facility from Sheldon Road to Ehrlich/Countryway and (ii) the two-lane rural interim facility from Ehrlich/Countryway to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section from Ehrlich/Countryway to Racetrack Road, to be constructed by the developer.
 - (b) Four-lane ~~\limited access\~~ urban facility to be constructed by the ~~\County\~~ Developer from Sheldon Road to the

proposed ~~\Linebaugh/Country Way\~~
Ehrlich/Countryway intersection.

- (c) Six-lane ~~\limited access\~~ urban facility to be provided by the County, at its option and when possible, from the proposed ~~\Linebaugh/Country Way\~~ Ehrlich/Countryway intersection to Race Track Road.

D. Performance deadlines for completion of the facility are as set forth below.

- (1) Start date shall be the date the County provides access to the final roadway corridor for that portion of the facility west of the Thomas Ranch site ~~\is established by the County\~~.
 - (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed by the developer within the first twelve months.
 - (3) Construction of the ~~\interim\~~ roadway facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
 - (4) After final acceptance of the right-of-way map and legal description the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.
 - (5) Should the developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension (see also condition ~~\8\~~ 9 below).
8. In consideration of the public benefit gained as a result of the developers design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
9. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the developer in a timely manner.

10. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in No. 5 above. If the actual costs and expenditures of the improvements required under this Development Order exceed the Developer's Fair Share or Proportionate Share contribution for Phases I and IIA, calculated to be \$3,900,583 in Section IV.B.5, above, the County shall credit the excess monies toward the Developer's obligations (Fair Share/Proportionate Share Contribution or otherwise) for subsequent phases. During any transportation analysis pursuant to Section IV.A.5, hereof, the Developer shall receive credit for the reduction in impact based upon the reduced number of dwelling units and for the additional capacity of the revised Linebaugh extension over that originally calculated under this Development Order.
11. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either ~~required (i)~~ within three years of the effective date of the modification of this order, or (ii) on the date ~~as~~ when construction begins on the ~~off-site~~ western portion of the Linebaugh Avenue extension, off-site from property developed by the Developer, whichever comes later. No Certificates of Occupancy shall be issued after this date unless the required construction of the East/West Connector has begun.
12. The developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire ~~east portion~~ eastern boundary of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
13. The ~~County, the~~ developer shall provide ~~as~~ to the County, if and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRI.
14. The developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 long range plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as an urban-type roadway section.
15. The developer shall reserve a park'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.

16. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
17. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase 2, the developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for approval, and TBRPC for review. Implementation and effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions, the developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically, the developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practicable.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the ~~General Development Plan~~ Detailed Site Plan for each development pod, to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible

these areas shall be located contiguous to other habitats, conserved so as to enhance their value.

4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the ~~\shall will be the 50-year conveyance with a foot of free board without increasing high water\~~ site shall conform to current Hillsborough County Subdivision Regulations. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - (a) The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - (b) The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - (c) Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - (d) There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact on pre-development on-site hydrologic storage and/or off-site conveyance.
 - (e) The stormwater management system shall be designed to maintain the existing hydroperiod levels and frequencies, as well as the hydraulic connections between on-site wetlands.
 - (f) There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the developer provide for a surface water quality monitoring program as specified below:
 - (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should

characterize baseline conditions through buildout.

- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

- streamflow (cfs)
- temperature (deg C)
- specific conductance (uohm/cm @ deg C)
- dissolved oxygen (mg/l)
- nutrients
 - total phosphorous (mg/l)
 - ortho-phosphate (mg/l)
 - TKN (mg/l)
 - nitrate/nitrite (mg/l)
 - ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.
 - (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project buildout.
 - (g) The developer, its heirs, or assigns, shall be responsible for the maintenance of the on-site drainage facilities.
7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
- (a) The developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - (1) wetlands to be preserved;
 - (2) proposed wetland/lake alterations;
 - (3) control of exotic species;
 - (4) control of on-site water quality;
 - (5) maintenance of natural hydroperiod; and
 - (6) methods for wetland restoration/enhancement.
 - (b) No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

- (c) Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
 - (d) The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area," unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
 - 9. The developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
 - 10. The developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
 - 11. The developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
 - 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. **Public Facilities**

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
- 3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the developer shall verify to the satisfaction of Hillsborough County that adequate solid

waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.

4. The developer shall be responsible for maintenance and operation of any on-site wells.

E. **HAZARDOUS WASTE**

1. The developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of waters and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the location suitable for the specially-designated hazardous waste and materials containers/areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. **HURRICANE EDUCATION**

The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood-prone area and measures to be followed 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. **ENERGY CONSERVATION**

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- (a) The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- (b) Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- (c) Recycling programs.
- (d) The use of energy-efficient cooling, heating and lighting systems.
- (e) Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- (f) Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. **STRUCTURAL**

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as

described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County Ordinances.

2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. **HISTORICAL OR ARCHAEOLOGICAL**

The developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough County.

J. **EQUAL OPPORTUNITY**

1. The developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment area shall be available to all, on a fair and impartial basis.
2. If feasible, the developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. **GENERAL**

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall, at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, 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 a true and correct copy of a Resolution adopted by the Board at its public hearing meeting of June 15, 1987, as same appears of record in Minute Book 133 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of July, 1987.

RICHARD AKE, CLERK

By: Edna A. Fitzpatrick
Deputy Clerk

CJK/057COM4

Exhibit B

**AFFIDAVIT CERTIFYING DISTRIBUTION OF A
NOTIFICATION OF A PROPOSED CHANGE TO A
PREVIOUSLY APPROVED DEVELOPMENT REGIONAL IMPACT (DRI)**

On behalf of the Developer, Westchase Associates, I, Cheryl J. King, as their legal counsel, do hereby certify that a Notification of a Proposed Change to a Previously Approved DRI has been transmitted to the following:

Florida Department of Community Affairs
Bureau of Land and Water Management
2740 Centerview Drive
Tallahassee, FL 32399

Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, FL 33702-2491

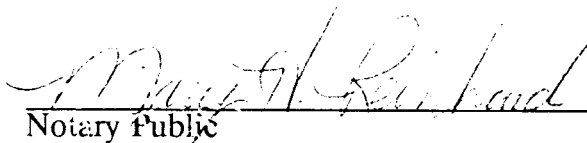
Hillsborough County Board of County Commissioners
Post Office Box 1110
Tampa, Florida 33601

FURTHER, Affiant sayeth not.



Attorney For the Developer

Sworn to and subscribed
this 24th day of April,
1989.



Notary Public

My Commission Expires:
~~Notary Public, State of Florida at Large~~
My Commission Expires Feb. 25, 1992
~~Bonded thru Agent's Notary Brokerage~~

CJK/079



RESOLUTION NO. R87-0195
**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #84 DEVELOPMENT ORDER
THOMAS RANCH**

Upon motion by Commissioner Padgett,
seconded by Commissioner Talley, the
following Resolution was adopted by a vote of 7 to 0; Commissioner(s)

None voting "No."

WHEREAS, in October, 1984, Metro Development Corporation of Tampa Bay, filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a multiuse project on approximately one thousand four hundred and fifty one acres, located in northwestern Hillsborough County, hereinafter referred to as Thomas Ranch; 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 June 8, 1987 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 15th DAY OF
June, 1987, AS FOLLOWS:**

I. FINDINGS OF FACT

A. Metro Development Corporation of Tampa Bay, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an 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 response and other exhibits duly submitted and recorded.

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

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

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

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

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(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 are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

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

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as Low Density Residential and Research Corporate Park.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application and sufficiency 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.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Thomas Ranch Development of Regional Impact.

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

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume

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

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected 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 Thomas Ranch, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

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

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such non-compliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes (1985), and appropriate rules and regulations. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Development Coordination who shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

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

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

3. A statement listing all applications for incremental review

required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and

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

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

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1985).

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 (Gross Sq. Ft.)</u>	<u>Commercial (Gross Sq. Ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1987-1991)		50,000	1,498
Phase IIA (1992-1996)	49,000		1,057
Phase IIB (1992-1996)		100,000	440
Phase III (1997-2001)	152,000	100,000	1,497
Phase IV (2002-2006)	<u>99,000</u> 300,000	<u>50,000</u> 300,000	<u>1,498</u> 5,990

If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, which approval shall not be withheld for mere deceleration or acceleration of phases if the terms of this Order are otherwise fully complied with. It is the intent of this provision to insure that all prerequisites for each phase of the project are complied with. For purposes of this Order, a phase shall be considered complete upon issuance of the final Certificate of Occupancy for the phase. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes (1985).

2. This Development Order shall remain in effect for a period up to and including July 1, 2010. 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 (30) days prior to the expiration date.
3. Physical development on site shall begin within three (3) years of the effective date of this Development Order.
4. The developer acknowledges that Phase I and IIA approval or any excess

infrastructure capacity constructed to potentially serve Phase IIB, III, or IV shall be at the developer's risk and shall not vest Phase IIB, III, or IV development rights. This provision shall in no way limit any developers' rights afforded by 380.06, Florida Statutes.

5. Specific approval is hereby accorded for Phase I and Phase IIA development subject to the conditions contained in this Order. Conceptual approval of Phases IIB, III and IV is also accorded hereby. Specific approval of Phases IIB, III, and IV is conditioned on the developer submitting a new transportation analysis pursuant to Section

380.06 F.S. and Section 4.202, Future of the Region, and compliance with all requirements of this Development Order. The new analysis shall be consistent with the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of each new analysis.

6. The development shall not be subject to down-zoning, or intensity reduction until July 1, 2010, 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.

B. Transportation

1. Specific development approval is accorded pursuant to the conditions contained herein to Phase I and Phase IIA. Phase I and IIA shall at maximum consist of 2,555 multi-family units, 49,000 square feet of office uses, and 50,000 square feet of retail commercial uses or an equivalent amount of residential uses in terms of external transportation trips.
2. Prior to the issuance of any Certificates of Occupancy, the developer shall construct all improvements that are required at the intersection of the project entrance north of Linebaugh Avenue with Sheldon Road to maintain a LOS "D" or better. The developer shall pay for the design, purchase and installation of a traffic signal for this location when said signal is warranted. Interconnecting this traffic signal to adjacent traffic signals as per Hillsborough County Engineering Department requirements shall also be the developer's responsibility. These improvements are of total benefit to the project.
3. When Certificates of Occupancy for the external trip generating potential of 50% of Phase I and Phase IIA have been issued, a monitoring program to provide peak-hour and daily-traffic counts at the project entrance(s) shall be instituted by the developer to verify that the projected number of external trips in Phase I and IIA are not exceeded. Counts will continue on an annual basis through Phase I and Phase IIA, and results shall be incorporated into the required annual reports. If the monitoring program reveals an exceedance over projected counts, a complete transportation analysis shall be performed by the developer if requested by the County, and revisions to the Development Order, to reflect the higher traffic levels, may be initiated. Further, as part of the monitoring program the Developer shall complete a preliminary corridor analysis to identify the optimum type and alignment for a future roadway facility from Sheldon Road east to the proposed Northwest Expressway along existing Linebaugh Avenue. Credit shall be applied against appropriate local impact fee requirements and fair share calculations for the cost of this corridor analysis.
4. The Developer may trade off approved uses for any approved residential uses so long as the total project off-site peak hour trips are not increased. Should any amendments be made pursuant to this paragraph, a revised General Site Plan shall be submitted to Hillsborough County specifying said amendments. Any such amendment shall meet the requirements of the Zoning Code and be subject to Hillsborough County approval, and any further conditions required by the County.
5. In order to cure and mitigate the impacts of Phase I and Phase IIA of

this development on transportation facilities, the Developer shall be required to design and construct that portion of Linebaugh Avenue that extends from Sheldon Road west to Racetrack Road as specified below, and in accordance with the schedule set forth herein. 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, the savings in direct and administrative costs associated with construction of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts. Specifically, the Developer's fair share of transportation impact was determined pursuant to DCA Rule 9J-2.0255, and has been calculated as given below:

DEVELOPER'S FAIR SHARE CALCULATIONS

<u>ROADWAY</u>	<u>FROM</u>	<u>TO</u>	<u>%</u>	<u>\$FAIR SHARE</u>
East/West Connector	S.R. 584	Racetrack	22.59	603,547
Linebaugh Ave.	Sheldon Road	Gunn Hwy.	18.53	1,392,186
Sheldon Road	W. Waters Ave.	Linebaugh	53.64	1,432,297
Sheldon Road	Linebaugh Ave.	Gunn Hwy.	17.80	472,553
				<u>\$3,900,583</u>

6. The proposed Linebaugh Roadway Facility shall extend from Sheldon Road in a westerly direction along the southern and western boundaries of the Thomas Ranch Development, then in a westerly direction to Racetrack Road. The Linebaugh Extension will serve as a major link between Pinellas County and Northwestern Hillsborough County. This roadway is recognized as a committed project on Hillsborough County's Highway Plan. The Developer's commitment and responsibility with regard to design and construction of this facility are described below.
7. The calculation of the fair share contribution shall be subject to verification by Hillsborough County and Tampa Bay Regional Planning Council and, if necessary, the County reserves the right to modify the Development Order accordingly.

A. Right of Way of Linebaugh Extension

The Developer shall provide 150 feet of right-of-way along the south and west boundaries of the site as illustrated on the conceptual development plan. Said dedication shall occur no later than the date of the County's acceptance of the Roadway for ownership and maintenance. Hillsborough County shall provide the right-of-way for the off-site portion of the required roadway. The exact location of the corridor right-of-way and right-of-way requirements at both terminus' of the Linebaugh extension and the three in between intersections shall be determined as a part of final design in cooperation with the Hillsborough County Department of Public Works.

B. Design Criteria

- (1) The Developer shall construct to provide plans for the ultimate construction of the six-lane and four-lane limited access facilities, and an interim two-lane rural facility.
- (2) The plans and specifications 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 Specifications for Construction.
- (3) Drainage shall be designed and constructed for the ultimate six-lane expressway configuration. During construction of the initial phase, roadway drainage will be conveyed by open ditches to retention ponds, designed and sized for the final six-lane roadway.

C. Construction

- (1) Construction of the two-lane rural interim facilities from Sheldon Road to Racetrack Road shall commence upon the County's written approval and acceptance of the construction plan. The Developer shall contract directly with a Contractor and will engage an Engineer to provide construction administration and inspection services throughout the project.
- (2) The Linebaugh Extension will be constructed as follows:
 - (a) Two-lane undivided rural section to be constructed by the developer.
 - (b) Four-lane limited access facility to be constructed by the County from Sheldon Road to the proposed Linebaugh/Country Way intersection.
 - (c) Six-lane limited access facility to be provided by the County from the proposed Linebaugh/Country Way intersection to Race Track Road.

D. Performance deadlines for completion of the facility are as set forth below:

- (1) Start date shall be the date the final roadway corridor for that portion of the facility west of the Thomas Ranch site is established by the County.
 - (2) Design of the ultimate and interim facility shall be completed within fifteen (15) months of the start date. The design period shall include review by the County of all plans at 30%, 60% and 90% of completion within a fourteen (14) day review period. Right-of-way plans shall be completed within the first twelve months.
 - (3) Construction of the interim facility by the Developer shall commence within two months of acquisition of all off-site right-of-way by the County and be completed within fifteen (15) months of the selection of the contractor. The Developer shall be responsible for construction administration and inspection services throughout the project. The County shall be responsible for providing all right-of-way not included within the Thomas Ranch parcel and prior to the initiation of any construction on off-site property.
 - (4) After final acceptance of the right-of-way map and legal description the County shall have twelve (12) months to secure valid title to the off-site property. Time set forth in the above schedule shall be tolled during delays caused by acts of God or failure of the County to meet its obligations.
 - (5) Should the developer fail to substantially comply with the time frames listed herein, the County shall have the right to complete the design, acquisition or construction of the Linebaugh Avenue Extension, (see also condition 8 below).
7. In consideration of the public benefit gained as a result of the developers design and construction of the aforementioned facilities, the County shall transfer public funds earmarked for the design of the Linebaugh extension to the design of Sheldon Road from Waters Avenue to Linebaugh Avenue (6 lanes divided), with four lanes to be constructed as part of a first phase.
8. Phase I and Phase IIA development activities and issue of permits shall immediately cease if the Linebaugh Avenue design and construction as described herein is not provided by the developer in a timely manner.

9. Applicable credits shall be given against the Developer's obligations under any applicable Hillsborough County Impact Fee Ordinance for the costs of design, construction and donation of land for right-of-way or other uses specified under this Development Order, under any zoning or any subsequent plat approvals. In addition, costs, expenditures and contributions to be borne or contributed by Developer referenced herein shall be credited against Developer's fair share obligations pursuant to DCA Rule 9J-2.0255 and TBRPC Policy as calculated in 5. above.
10. The construction of Phase I of the East/West Connector between S.R. 584 and Racetrack Road shall begin either required within three years of the effective date of this order, or on the dates when construction begins on the off-site western portion of the Linebaugh Avenue extension, whichever comes later. No Certificates of Occupancy shall be issued after this date unless the required construction of the East/West Connector has begun.
11. The developer shall deed to the County, when requested by the County, 19 feet of right-of-way along the entire east portion of the site. This is to provide part of the 118 feet of total right-of-way needed for Sheldon Road to accommodate a six-lane divided roadway section.
12. The County, the developer shall provide as and when required by the construction schedule, within his site, the necessary land area to mitigate any wetlands that currently exist within the proposed future right-of-way of Linebaugh Avenue within subject DRL.
13. The developer shall provide a continuous north/south corridor through the site at the request of the County or when necessitated by on-site development, whichever comes first. This corridor shall run parallel to and west of Sheldon Road as per the County 2010 long range plan. The corridor shown in the General Site Plan meets this requirement. The exact location of the corridor shall be determined prior to approval of detailed site plans. The corridor shall have an 80-foot right-of-way if it is to be constructed as a rural type roadway section, or a 60-foot right-of-way if it is to be constructed as a urban type roadway section.
14. The developer shall reserve a park'n ride facility site of 30 parking spaces minimum to encourage transit usage from Thomas Ranch if so requested by HARTline. The site shall be reserved until issuance of final Certificates of Occupancy for Phase IIA. Any location of the site shall meet the approval of the Department of Development Coordination.
15. The application and payment of Impact Fees in itself will not constitute funding commitments for the required right-of-way and transportation improvements. However, impact fee credit will be given for any of the required improvements if consistent with the provisions of the impact fee regulations.
16. A pedestrian circulation system and a bicycle circulation system shall be provided within the project. The systems may be combined into a single system. The bicycle system shall incorporate whatever elements are necessary to complement the County bicycle plan and extend the County System into Thomas Ranch. No detailed site plans shall be approved which do not indicate these systems.

C. Environmental

1. Prior to the issuance of Certificates of Occupancy for development permitted within Phase 2, the developer shall provide Hillsborough County Environmental Protection Commission and TBRPC for review and to the Florida Department of Environmental Regulation, a completed and technically acceptable air quality monitoring assessment.

If the monitoring indicates air quality does not meet state standards, a plan which provides for mitigation/abatement shall be prepared and submitted to the Hillsborough County Environmental Protection Commission and to the Department of Environmental Regulation for

approval, a PC for review. Implementatic effectiveness of the mitigation measures shall be verified in the subsequent annual reports.

Annual
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Mitigation measures included in the approved abatement plan shall be implemented coincident with all subsequent development and in a manner consistent with the imposition of said mitigation measures on all other development in the impact area by DER and H.C.E.P.C.

2. To reduce fugitive dust and other adverse air emissions the developer shall at minimum undertake the measures referenced on pages 13-2 and 14-9 of the ADA to reduce fugitive dust and other adverse air emissions. Specifically the developer shall ensure that:
 - (a) The cleared and disturbed areas shall be sodded, seeded, mulched, or planted with landscape material as soon as practicable.
 - (b) The side slopes of detention ponds shall be sodded or provision shall be made to maintain and encourage natural vegetation.
 - (c) Wind erosion shall be controlled through sprinkling or other appropriate means.
3. The developer agrees that representative stands of each upland vegetative community type listed on page 18-1 of the ADA shall be set aside in their natural state in order to maintain natural diversity on the site. These areas shall be designated on the General Development Plan to serve as conservation areas and shall be of sufficient size so as to maintain their natural function. To the extent possible these areas shall be located contiguous to other habitats, conserved so as to enhance their value.
4. The land use designations for those portions of the Thomas Ranch site which meet the definition of preservation and conservation areas, as defined in the Regional Council's adopted growth policy, Future of the Region, Section 2.701 and 2.702 shall be as designated on the Detailed Site Plan for each development pod shown on the Revised General Site Plan submitted to Hillsborough County for Planned Unit Development approval.
5. Prior to the issuance of any building permits, the Final Drainage Plan for Thomas Ranch shall be submitted to TBRPC for review for consistency with the ADA and Council policy, and to Hillsborough County, DER, and SWFWMD. The conveyance criteria for major outfalls passing through the shall will be the 50-year conveyance with a foot of free-board without increasing high water. The stormwater management system shall be designed and constructed and maintained to meet or exceed Chapter 17-25 and 40D-4, Rules of SWFWMD and shall be in place and approved by SWFWMD prior or coincident with the development of each pod.
6. The following parameters shall be included in the Thomas Ranch drainage plan.
 - a. The drainage system shall be designed to meet or exceed state and SWFWMD regulations.
 - b. The proposed retention/detention wetland systems shall be designed, constructed, and maintained consistent with the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978).
 - c. Best Management Practices recommended by Hillsborough County shall be adhered to, including a vacuum street cleaning program for parking and roadway areas within the development.
 - d. There shall be no net encroachment in the 100-year floodplain area, as delineated on Map C of the ADA which results in a significant adverse impact upon pre-development on-site hydrologic storage and/or off-site conveyance.
 - e. The stormwater management system shall be designed to maintain

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the existing hydroperiod levels and frequency as well as the hydraulic connections between on-site wetlands.

- f. There shall be no degradation of stormwater quality exiting the site as a result of the on-site stormwater management system. To this end it is appropriate that the developer provide for a surface water quality monitoring program as specified below:

- (1) Three stations, including TR-20 discharge structure locations 20 and 85, as indicated on Map G-3 of the ADA, shall be sampled twice annually, during both wet season (June-September) and dry season (October-May). Samples should characterize baseline conditions through build-out.
- (2) Stations shall be grab-sampled immediately after a one-half inch or greater storm event, preferably on a rising hydrograph.
- (3) Samples shall immediately be returned to a qualified laboratory for further analysis. Water quality parameters analyzed should include, but not be limited to, the following:

- streamflow (cfs)
- temperature (deg C)
- specific conductance (uohm/cm @ deg C)
- dissolved oxygen (mg/l)
- nutrients
 - total phosphorous (mg/l)
 - ortho-phosphate (mg/l)
 - TKN (mg/l)
 - nitrate/nitrite (mg/l)
 - ammonia (mg/l)
- total organic carbon (mg/l)
- suspended solids (mg/l)
- biological oxygen demand (mg/l)
- coliform bacteria (MPN)
- oils and greases
- total lead as Pb (ub/l)

- (4) All water quality analytical methods and procedures shall be thoroughly documented and should comply with EPA/DER Quality Control Standards and Requirements.
- (5) The applicant shall provide all results of the bi-annual monitoring to TBRPC in the required annual report, and to the Hillsborough County Environmental Protection Commission. Annual water quality reports should be provided until project build-out.

- g. The developer shall be responsible for the maintenance of the on-site drainage facilities.

7. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:

- a. The developer shall submit a wetland lake management plan to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:

- (1) wetlands to be preserved;
- (2) proposed wetland/lake alterations;
- (3) control of exotic species;
- (4) control of on-site water quality;
- (5) maintenance of natural hydroperiod; and
- (6) methods for wetland restoration/enhancement.

- b. No hydroperiod alteration shall be permitted in conservation or preservation areas as identified on the Map accompanying paragraph C.3. in the Sufficiency Response dated February 21, 1986, or as designated by the Environmental Protection Commission.

- c. Quarterly hydroperiod monitoring shall be required in wetland systems and contiguous woodlands, shall begin immediately and continue for three years following completion of the drainage system for Phase I. The site for this monitoring shall be selected in cooperation with Hillsborough County, TBRPC, and DER. If it is apparent that preservation areas are being stressed, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance.
- d. The stormwater drainage system of the project may incorporate wetlands on-site, but no direct discharge from any impervious surface shall be permitted into any wetland which is designated as a "Conservation Area," unless otherwise approved by the Environmental Protection Commission.
- 8. In the event that any species listed in Sections 39-27.03-.05, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.
- 9. The developer shall implement the energy and water conservation measures referenced in the ADA at minimum.
- 10. The developer shall be responsible for maintenance of all park and open space areas within the project site, excluding any donated to the County.
- 11. The developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for landscape and open space irrigation, prior to the issuance of Certificates of Zoning Compliance.
- 12. Water-saving methods and fixtures shall be incorporated into Thomas Ranch design and construction.

D. Public Facilities

- 1. Prior to issuance of detailed site plan or, if required, preliminary plat approval, for each phase of the development, the developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision of any wastewater treatment and disposal facilities that will serve that Phase of the development.
- 2. Prior to issuance of detailed site plan or, if required preliminary plat approval, for each phase of the development, the developer shall provide documentation to the Department of Development Coordination of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department. No Certificates of Occupancy shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
- 3. Prior to issuance of detailed site plan or, if required, preliminary plat approval for each phase of the development, the developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, electricity, fire, water, police and Emergency Management Services capabilities and facilities are available to service the development.
- 4. The developer shall be responsible for maintenance and operation of any on-site wells.

E. HAZARDOUS WASTE

- 1. The developer shall provide to all applicable Thomas Ranch businesses information that: (a) indicates types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated container/areas; (b) indicates the

location su for the specially-designated dous waste and materials containers/ areas; and (c) advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease.

F. HURRICANE EVACUATION

The developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The developer shall prepare a plan to ensure the safe and orderly evacuation of residents and employees when a Level C or E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be followed 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. ENERGY CONSERVATION

The energy conservation measures referenced on page 25-4 of the ADA shall be required. The following energy conservation measures shall also be encouraged by the Developer or his assigns and shall include the use of landscaping and retention of existing vegetation as a means of energy conservation:

- a. The initiation of programs to promote energy conservation by employees, buyers, suppliers and the public.
- b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
- c. Recycling programs.
- d. The use of energy-efficient cooling, heating and lighting systems.
- e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
- f. Use of the most energy efficient technology economically feasible in the construction and operation of commercial facilities and life-cycle costing (to include operation and maintenance costs) in evaluating energy conservation effectiveness.

H. STRUCTURAL

1. The methods to overcome problems associated with particular soil types (accepted engineering practices, elevating foundations and consolidating soils) as described on page 14-8 of the ADA shall, at minimum, be required. All fill material used shall be internally generated through on-site lake construction. If outside fill materials are required, the appropriate jurisdictional authorities shall be notified pursuant to Hillsborough County Ordinances.
2. The site borings discussed on page 32 of the Thomas Ranch ADA Additional Information Report shall be conducted beneath building locations prior to construction, when designated by the soils foundation engineer and/or structural engineer.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

I. HISTORICAL OR ARCHAEOLOGICAL

The developer shall report the discovery of any historical or archaeological resources to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Archives and Hillsborough

County.

J. EQUAL OPPORTUNITY

1. The developer shall comply with all applicable requirements of the Civil Rights Act, and the Hillsborough County Fair Housing Ordinance. The developer shall seek, and urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All housing, and commercial establishment areas shall be available to all, on a fair and impartial basis.
2. If feasible, the developer shall utilize Multi-Family Housing Revenue Bonds issued by Florida Housing Finance Agency and/or the County Housing Finance Agency for some rental housing within the project.

K. GENERAL

1. Any change to the project which meets the criteria set forth in Subsection 380.06(19)(b), F.S. shall constitute a substantial deviation.
2. Any approval of the Thomas Ranch development shall at minimum, satisfy the provision of Subsection 380.06(15), F.S.
3. Any approval of this development shall require that all of the developer's commitments set forth in the ADA, and as summarized as Attachment 1, be honored, except as they may be superceded 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 a true and correct copy of a Resolution adopted by the Board at its _____ public hearing _____ meeting of _____ June 15, 1987 _____, as same appears of record in Minute Book _____ 133 _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ 7th _____ day of _____ July _____, 1987.

RICHARD AKE, CLERK

APPROVED BY COUNTY ATTORNEY
BY _____
Approved As To Form And
Legal Sufficiency.

By: Edna L. Fitzpatrick
Deputy Clerk

THOMAS RANCH
Developer's Committments

Attachment 1

DEVELOPER COMMITMENTS *

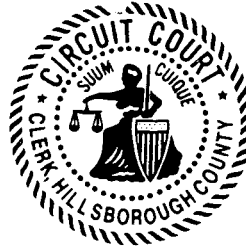
1. "The Thomas Ranch development will have an overall gross residential density of 4.1 dwelling units per gross acre..." (Supplemental Response, P. I-1)
 2. "Commercial development will be internally located within the project and developed as small neighborhood commercial centers..." (ADA, Pg. 12-6)
 3. Recreational facilities planned include an 18-hole golf course to be built during Phases I and II. A 14-acre public park/retreat center will be developed during Phase II and include tot lots, play areas, racquetball/basketball courts, open areas for football, soccer, and softball. (ADA, Pg. 12-7, and Supplemental Response, I-3) (D.C. Hillsborough County has agreed to allow flexibility between recreational uses, therefore active/passive recreation may be substituted for the golf course or vice versa.)
 4. Entrances into Thomas Ranch will be constructed as follows: during Phase I an entrance will be constructed midway along the property's frontage on Sheldon Road, in Phase II a second major entrance will be located where Linebaugh Avenue now terminates at Sheldon Road. A third access will be located at the southwest corner of the site, on Linebaugh Avenue which will eventually extend through Bay Port Colony, to Hillsborough Avenue and Race Track Road. (ADA, Pg. 12-10 and 12-11) (Developer deletion)
 5. Extensive landscaping and berming will be used to buffer the commercial sites from the adjoining neighborhoods. (ADA, Pg. 12-11)
 6. Commercial sites will be small scale, averaging five to 10 acres and not exceeding 110,000 square feet of development. Phasing has been coordinated to insure that there will always be a positive relationship between the level of on-site commercial space required to use this support the project's increasing population. (ADA, Pg. 12-11 and Supplemental Response, II-8)
 7. "The project's anticipated contribution to four-laning Sheldon Road, as well as the proposal to extend Linebaugh Avenue as a major east-west collector through the project...will greatly increase the circulation through the transportation network..." (ADA, Pg. 12-12)
 8. "...adequate groundwater levels will be maintained." (ADA, Pg. 12-12)
 9. On-site retention/detention ponds will insure that the stormwater runoff is properly treated before release to DER jurisdictional wetlands. (ADA, Pg. 12-12)
 10. Of the 315 acres of wetlands on-site, only 5 percent will be altered. (Sufficiency Response, C.4.)
- * Developer Clarification (DC) included within brackets as submitted by developer.

11. Of the 170 acres of lakes, those with littoral shelves will be aquascaped with native wetland species. (Sufficiency Response, C.1.)
12. Erosion will be controlled by limiting areas of clearing to only those to be developed. Watering, berming, seeding, sodding, turbidity barriers, haybale barriers and other methods will be utilized to prevent erosion or deterioration of water quality. (ADA, Pg. 14-9)
13. Existing surface "water quality conditions should not change significantly after development is complete because (1) significant natural wetlands will be left intact, (2) all stormwater will be treated in accordance with DCR and SWFWMD regulations." (ADA, Pg. 15-3)
14. Thomas Ranch will not have an adverse effect on the quality of the area's groundwater aquifer systems. (ADA, Pg. 15-3)
15. "Should any potential future tenant of the property generate hazardous waste, a groundwater monitoring program would be implemented, as required by Chapters 17-3 and 17-4, Florida Administrative Code." (ADA, Pg. 15-4)
16. "Treatment will be provided within the detention areas and interconnected grassed swale systems in compliance with Chapter 17-3, Florida Administrative Code, prior to discharge into wetlands contiguous with Double Branch Creek." (ADA, Pg. 15-4)
17. "The total amount and rate of runoff leaving the site will be the same before and after development, hence surrounding wetlands should not experience any net change in hydroperiod." (ADA, Pg. 16-2)
18. "The integrity of the large cypress swamps and stands in the western half of the property will be preserved in their existing state, except for minimal encroachments for access roads and other facilities vital to development of the property." (ADA, Pg. 16-3)
19. "Any development within the floodplain will have all floor elevations above the 100-year flood prone level, except as granted by variance to existing local codes and ordinances." (ADA, Pg. 17-2 and Supplemental Response, III-5)
20. "Approximately one-half of the southern freshwater marsh will be preserved in its natural state." (ADA, Pg. 18-12)
21. The disposition of any historical or archaeological resources located during construction will be determined in cooperation with the Division of Archives and Hillsborough County. (Supplemental Response III-5)
22. All normal water distribution and wastewater collection systems within the project boundaries will be provided by the developer in accordance with existing County ordinances. Any "oversizing" of onsite systems or offsite requirements will be addressed through the required capacity fees payments. (Supplemental Response, III-5)

23. Water conservation fixtures will be utilized to the maximum extent feasible. (ADA, Pg. 21-2)
24. "No septic tanks will be utilized within the project, except during construction of the development." (ADA, Pg. 21-5 and Supplemental Responses, III-6)
25. "The 'upper' and 'lower' Double Branch Creek tributaries will continue to serve as the primary outfalls for the site and the large natural storage areas located in the eastern and western portions of the site will continue to be utilized for stormwater storage and conveyance purposes." (ADA, Pg. 22-2)
26. "The final design of the master drainage facilities will be in accordance with the guidelines presented on Map G-3 and will be subject to the review and approval of Hillsborough County." (ADA, Pg. 22-2)
27. "On-site storage facilities will be sized to limit future condition outflow rates from the site for the 25-year, 24-hour duration event over the existing condition outflow rates determined for the 10-year, 24-hour duration rainfall event in accordance with Hillsborough County development regulations." (ADA, Pg. 22-2)
28. "Surface runoff from approximately 3,245 acres of off-site drainage will continue to be conveyed through the site." (ADA, Pg. 22-4)
29. "Degradation of water quality in the ultimate receiving body (Bay) will be minimized by providing stormwater quality treatment at the detention facilities or prior to discharging to the detention facilities in accordance with Chapter 17-25 of the Florida Administrative Code." (ADA, Pg. 22-6)
30. "No adverse regional impact on water table levels will occur as a result of the Master Drainage Plan." (ADA, Pg. 22-7)
31. "Tributary flows of Double Branch Creek will not be significantly increased as a result of this development..." (ADA, Pg. 22-8)
32. "Non-potable water demand for approximately 135 acres of golf course and 250 acres of park buffer, open space and road right-of-way will be served by an effluent spray irrigation system. (ADA, Pg. 23-1 see...3)
33. "Non-potable water will be used for irrigation purposes." (ADA, Pg. 23-2)
34. The following energy conservation measures will be incorporated into the Thomas Ranch project:
 - o Internal loops for traffic circulation and a through connection between Sheldon Road and Bay Port Colony to provide a new route for east-west traffic.
 - o Emphasis on east/west street orientations to facilitate passive solar building orientation.

- o A pattern of efficiently-located mixed land uses.
 - o A variety of energy efficient housing choices.
 - o A bicycle and pedestrian trail system.
 - o Preservation of existing vegetation in green belts and conservation areas.
 - o All dwelling units will conform to the Florida Model Energy Efficiency Building Code. (ADA, Pgs. 25-3 and 25-4)
35. The applicant has reserved a 15-acre elementary school site and 25-acre junior high school site to meet the projected number of school-age children residing in Thomas Ranch. (ADA, Pg. 26-2)
 36. "Approximately 699 acres or 48 percent of the total acres is planned for active recreation and common open space." (ADA, Pg. 27-2) (See suggested examples in ADA, Page 27-1)
 37. A proposed 14-acre park site, constructed and outfitted by the developer, will be turned over to Hillsborough County. (Supplemental Response, III-9) (D.C. see.. #3)
 38. "The proposed golf course will be owned, operated and maintained by the developer or his designee." (Supplemental Response, III-9) (D.C. see.. #3)
 39. Maintenance of lakes, lakeshores, roadside buffers, street lights, and any other greenbelt areas will either be included in a Special Municipal Taxing District (MSTD) or be the responsibility of the Master Homeowners Association. (S.R., Pg. 10) (D.C. Hillsborough County may assume responsibility through dedication)
 40. Building construction will be consistent with current Hillsborough County requirements for new development and in compliance with the Hillsborough County Fire Department Codes. (S.R., Pg 12)
 41. "The developer is willing to provide bus information schedules and bus shelters at all bus stops in the development as designated by HART." (Supplemental Responses, III-8)
 42. "The developer or his assigns will install the main roadway system, utilities, landscaping and golf course." (ADA, Pg. 32-4 and Supplemental Responses, III-9) (D.C. see.. #3)
 43. Within the development, right-of-way for the extension of Linebaugh Avenue, by Hillsborough County will be reserved. (S.R., Pg. 23 and Supplemental Response III-9)
 44. The initial (wastewater treatment) plant size will be 100,000 ± gallons per day (GPD) with a final capacity of 250,000 GPD to serve Phase I. (Sufficiency Response, E.2.)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



SB ✓
SC —

CERTIFIED MAIL

May 5, 1989

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

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

Attn: Julia Greene
Executive Director

Re: Resolution No. R89-0098 - DRI #84 Development Order
Amendment - Thomas Ranch

Dear Ms. Greene:

Enclosed please find an executed copy of the subject resolution, with exhibits, which was adopted by the Hillsborough County Board of County Commissioners on April 25, 1989.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

cc: Board files (orig.)
State of Florida Department of Community Affairs
William L. Bishop, President, Westchase Associates
John Wall, Assistant County Attorney
Steve Luce, Community Planner, Planning & Zoning
Enclosure

ELF/lt