

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA
DRI
DEVELOPMENT ORDER

Upon motion of Commissioner Chesnut, seconded by Commissioner Greer
and carried _____, the following Resolution was adopted this 7th day
of May, 1985,

WHEREAS, in July, 1984, Cypress Lakes Industrial Park Limited filed an
application for Master Development Approval (AMDA) of a development of
regional impact and an Application for Incremental Development Approval (AIDA)
with the Pinellas County Board of County Commissioners pursuant to the
provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said applications proposed construction of a mixed-use office/
research/warehouse/service center park located in northeast Pinellas County,
hereinafter referred to as CLIPL.

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

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

WHEREAS, the Board of County Commissioners has on the 7th day of May, 1985,
held a duly noticed public hearing on said application for development
approval and has heard and considered testimony and documents received
thereon; and,

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

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

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

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[Handwritten signature]

A. Cypress Lakes I. trial Park Limited, hereinafter referred to as "Developer", submitted to Pinellas County, Florida, an Application for Master Development Approval, Application for Phase One Incremental Approval, and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the Application for Master Development Approval, Application for Phase One Incremental Approval, and sufficiency response and all other documents submitted.

B. The real property which is the subject of the application 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 located in 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 Pinellas County Administration, and the Tampa Bay Regional Planning Council.

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions and limitations, Pinellas County has considered the criteria stated in subsection 380.06 (13), Florida Statutes.

C. The review by Pinellas County, 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 Master Development Approval and the Application for Phase One Incremental Development Approval are approved subject to all terms and conditions of this Development Order.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application 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 Pinellas County in response to the Application for Master Development Approval and the Application for Phase One Incremental Development Approval for the Tampa Bay Park of Commerce Master Development of Regional Impact.

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

E. The term County, in various required conditions of approval, shall include the City of Oldsmar where the context may require.

F. 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.

G. 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.

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

I. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Bay Park of Commerce 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, or any other affected Governmental agency, 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.

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

K. The County Administrator of Pinellas 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 the TBRPC or any Pinellas County department or agency having particular responsibility over the area of 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. The County Administrator shall issue a notice of such noncompliance to the Developer and if the deviation is not corrected within a reasonable amount of time the Administrator shall recommend that the Board of County Commissioners establish a hearing to consider such deviations and to take any action it deems necessary to insure compliance with this order including termination of any further Development.

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

3. A statement listing all applications of 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 or any portion of this Development Order or Increment.

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

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

O. This Order shall remain in effect for a period of twenty (20) years from the effective date hereof. Any development activity wherein plans have been submitted to the County for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the County Commission on the finding of excusable delay in any proposed development activity.

P. Upon adoption, the Development Order shall be transmitted by the Clerk by certified mail, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

Q. Any revisions to the Development Order not addressed herein shall be subject to review by TBRPC including the payment of any applicable incremental review fee.

IV. SUBCONDITIONS OF MASTER DEVELOPMENT APPROVAL

A. Phasing Schedule

The development of the project in accordance with the proposed phasing schedule attached hereto as Exhibit II is an integral part of the Development Order conditions. It is the intent of this Order to insure that

all prerequisites for each increment of the project are completed with. For purposes of this Order, an Increment shall be considered complete upon issuance of the final certificate of occupancy for the Increment. 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 Section 380.06, Florida Statutes.

No building permits shall be issued for commercial or industrial construction within the area subject to this Order until an AIDA has also been finally approved covering the particular area involved. It is recognized, however, that Increment I has been approved pursuant to this Order.

B. Stormwater System/Drainage

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

- a. 30 to 50 percent of the surface area of the detention pond at the normal water level (NWL) should consist of a shallow all vegetated littoral shelf.
- b. The littoral shelf can be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf can be established on a shallow submerged island in the middle of the pond.
- c. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- d. The littoral shelf, if located along the pond bank, should have side slopes no greater than 4:1 with the top of the shelf NWL and sloping to a depth of three feet or less.
- e. The littoral shelf shall be vegetated with a diverse group of native species which can include "Sagittaria, pickerelweed, Juncus, water lilies, cypress," etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more natural appearance.
- f. A copy of an operation and maintenance schedule for the detention areas shall be prepared by the Developer and submitted to Tampa Bay Regional Planning Council. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need for removing dead vegetation. An annual update of the operation and maintenance schedule showing compliance with its terms shall be included in the annual report.

- g. The master drainage system shall comply with the Department of Environmental Regulation Stormwater Rule, Chapter 17-25, Florida Administrative Code.
- h. The total of all site plans and development shall be in accordance with the impervious surface stipulation of forty (40) percent coverage, calculated on a basis of forty (40) percent of the gross acreage of the entire project. If this provision conflicts with other sections of this Order, this provision shall govern the amount and location of the development.

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

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

3. The elevation for all habitable structures shall be at or above the 100-year base flood elevation as required by the Federal Flood Insurance Program.

C. Public Facilities

1. Prior to issuance of approval for each Increment of the development, the Developer shall provide to Pinellas County verification that adequate police, fire service and emergency medical service facilities are available to serve the described Increment.

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

3. Any Incremental approvals of this development past Increment I shall be preceded by preparation by the developer of a wastewater treatment plan for Tampa Bay Park of Commerce and review of said plan by DER and TBRPC. Said plan shall be prepared in cooperation with Pinellas County and the Department of Environmental Regulation and shall include, at minimum:

- ⊙ Identification of the existing and available treatment capacity;
- ⊙ Identification of existing effluent disposal capacity;
- ⊙ Identification of existing sludge disposal capacity;
- ⊙ Assessment of the amounts of wastewater expected to be generated by Tampa Bay Park of Commerce and other development expected to utilize the same wastewater treatment plant;
- ⊙ Identification of infrastructure improvements necessary to provide wastewater treatment;

- ⊙ Identification of the effluent and sludge disposal methods and sites to be utilized.
- ⊙ Identification of the entities responsible for infrastructure improvements;
- ⊙ Identification of an implementation schedule;
- ⊙ Provisions providing for Department of Environmental Regulation review and comments.

4. Applications for subsequent incremental approvals shall propose water conservation measures to be utilized within this development, such as a secondary "gray water" system. At minimum, nonpotable water for landscape use shall be provided from on-site shallow wells, sewage effluent or stormwater runoff. The entity responsible for operation and long term maintenance of these measures shall be set forth in subsequent Development Order amendments.

5. Applications for subsequent incremental approvals shall demonstrate that the proposed development is consistent with the Draft Wasteload Allocation Study for Tampa Bay or with the completed Wasteload Allocation Study for Tampa Bay, if available.

6. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction. Approval shall be obtained from all appropriate local and State agencies.

7. The County will provide water service to Tampa Bay Park of Commerce on the following terms and conditions:

- a. The Developer shall design, construct and install, in accordance with prevailing County design criteria and subject to prior County inspection and approval, all on-site improvements required by the County to connect the development to the County water system. [On-site improvements shall be defined as all water and sanitary sewer facilities, including but not limited to all lines, mains, equipment, improvements, easements, rights-of-way or utilities, located within the development including all water mains, up to and including water meters].
- b. After County inspection and approval, the Developer shall convey to the County by instruments acceptable to the County, said on-site improvements for water and sanitary sewer. In addition, the Developer, at its own expense, shall acquire and convey to the County necessary and reasonable permits, rights-of-way, easements, property interests, or things specified by the County to provide the development with a working water system. Upon inspection and acceptance of said facilities, permits, easements, rights-of-way, property, interests or things, the County shall operate and maintain said facilities and improvements as part of the County's utility system and subject to the County's ordinances.
- c. Excess infrastructure capacity required to serve Increments II, III and IV shall be at the Developer's risk and development of Increment I shall not, as to the need for infrastructure for each phase, vest Increment II, III or IV development rights for each Increment.

D. Open Space

1. The Developer, his assigned agent or successor shall be responsible for the maintenance of all open space/recreational areas and landscaped areas within each increment of the development.
2. Those portions of the stormwater drainage system and retention and detention ponds not dedicated to Pinellas County shall remain the responsibility of the Developer, his assigned agent, or his successor.
3. The Developer or successor shall undertake parking lot sweeping as a routine maintenance function.
4. The Developer or successor shall be responsible for the operation and maintenance of all on-site wells and landscape irrigation systems. The developer shall be required to utilize either shallow on-site wells, pumping from retention areas, or acceptance of non-potable water for open space and landscape irrigation.

E. Wildlife

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

F. Hazardous Waste

Separate hazardous waste collection/transfer facilities within the project shall be provided by individual tenants based on deed restrictions. These areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Section 403.703(21), F.S., and listed in Title 40 CFR Part 261).

1. The applicant shall provide to all Tampa Bay Park of Commerce 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 specially-designated containers/areas;
 - b. Indicates the location of 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.

2. The applicant shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

G. Energy

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

H. Archaeological Resources

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

I. Air Quality

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

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

J. 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 those employees who, for security or administrative reasons, are in the buildings after an evacuation order is issued. The plan shall include the following elements:

1. Procedures calling for the closing of all buildings for the duration of the hurricane evacuation order.
2. Procedures for informing all employees of evacuation routes out of the flood prone area and measures to be followed in the same event.
3. Procedures mandating coordination with appropriate public authorities of building closings, security and safety measures, and evacuation plans.

The aforementioned plan shall be included in the first annual report submitted after occupancy of any portion or phase of the project.

K. Environmental Study

Prior to approval of further increments an environmental study shall be instituted for the northeast Pinellas-Southwest Pasco - northwest Hillsborough area with the City of Oldsmar, Hillsborough County, Hillsborough County Environmental Protection Commission, Pinellas County, Pasco County, Department of Environmental Regulation, Department of Natural Resources, Tampa Bay Regional Planning Council, other appropriate state agencies and developers in the study area. The study shall be commenced prior to issuance of a Development Order for Increment II and be completed prior to the issuance of any building permits for Increment III. If no governmental entity undertakes the above referenced study within the time limits set forth, the applicant shall not be denied development approval if it has provided the information required below for its 629 acres. The study shall include but not be limited to the following issues:

1. Definition of study areas boundaries
2. Inventory of natural resources and environmental features within the study area, such as surface waters, wellfields, groundwater resources and threatened and endangered species, prime and unique agricultural lands, and preservation/conservation areas
3. Identification of specific natural resources to be protected from the effects of urbanization/industrialization
4. Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization
5. Identification of opportunities for recreational use
6. Assessment of the impacts associated with public facility expansion, such as physical plant location and operating procedures
7. Formulation of program to promote public and private awareness
8. Identification of those actions necessary to be taken to implement the results of the study.

L. Transportation

1. Within one year of the effective date of this Order, the developer, his successors, heirs, or assigns shall submit a Transportation Systems Management (TSM) Plan for review and approval by Pinellas County who will solicit comments from TBRPC, Hillsborough County, the Cities of Clearwater, Safety Harbor, and Oldsmar, the Hillsborough Area Regional Transit Authority, the Pinellas-Suncoast Transit Authority, and the Florida Department of Transportation. The plan shall provide for sufficient TSM measures to divert a substantial percentage of total peak hour trips away from the peak traffic hours over and above those projected in the AIDA for each Increment. The plan shall be submitted to the reviewing agencies within one year of issuance of this Development Order and shall address:

- a. Worker flex-time;
- b. Worker ridesharing strategies;
- c. Provision of transit and service facilities and programs to increase transit ridership; or
- d. Other appropriate trip diversion measures.

2. Each annual report for this development after the issuance of certificates of occupancy for the first 100,000 square feet of office space or the equivalent thereof shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure.

If subsequent reports are not submitted, or if the subsequent reports indicate that a substantial percentage of the projected total trip diversions are not being met, Pinellas County shall conduct a substantial deviation determination pursuant to Sub-section 380.06(17), F.S. to determine if the Development Order should be amended to change TSM objectives and/or require additional or fewer roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

M. Subsequent Increment Review

1. Within seven (7) years of this Order, Developer shall submit an ADA to TBRPC and the County for review pursuant to Section 380.06, Florida Statutes. The ADA shall address all regional impacts on a cumulative basis including regional impacts reviewed in any AIDA. Prior approval of any AIDA shall not prejudice approval or denial of the ADA. Developer shall have an opportunity to request elimination of ADA questions and identification of critical or significant regional issues associated with ADA review. The basis for TBRPC recommending denial of the ADA shall be as provided in AIDA review and Chapter 380, Florida Statutes.

2. The AIDA for Increment II shall be filed with Pinellas County and the TBRPC and reviewing agencies no later than two years after the effective date of this Order. Failure to file the AIDA for Increment II within two years shall require that TBRPC reassess the regional issues associated with each phase and add or delete regional issues as appropriate.

3. The Increment (AIDA) and ADA reviews shall be conducted pursuant to Section 380.06, F.S., except that AIDA approvals may be accorded as separate amendments to the MDO, as specified in the Alternative Review Agreement. In all appropriate AIDA's, the Developer shall respond to general questions 1-12 as required in the ADA Questionnaire (Form DSP-BLWM-11-76).

4. The following regional issues have been sufficiently reviewed in the AMDA and, where appropriate, are subject to recommended conditions in this Order, and, pursuant to Paragraph 2.A. (3) of the Alternative Review Agreement, shall not be the subject of further submission and review unless substantial changes in the conditions underlying approval or this Order is shown to have been based on substantially inaccurate information:

- a. Air Quality;
- b. Floodplain;
- c. Vegetation and Wildlife - Threatened or Endangered Species;
- d. Historical and Archaeological Sites;
- e. Economic Impact

5. It was previously agreed and documented in the preapplication report that the following Regional issues/ADA questions be eliminated from the AMDA, AIDA and ADA:

- 2 (f) Parks and Recreation;
- 4 (a) Aging and Handicapped;
- 4 (a) Education and Cultural Services'
- 6 Housing and Community Development;
- 7 (b) Parks and Attractions; and
- 7 (c) Residential.

6. The following regional issues have not been sufficiently reviewed in the AMDA and, pursuant to Paragraphs 2.A.(4) and 2.A.(6) of the Alternative Review Agreement, shall be the subject of further submission and review, and may be cause for denial of each subsequent AIDA and the ADA. All subconditions of Master Development Approval shall apply to each AIDA and the ADA where the context may apply.

- a. Water Supply - Verification from Pinellas County regarding the existence of an adequate water supply to serve the project shall be required for each subsequent phase.
- b. Police - Verification from the appropriate entity regarding the existence of adequate police protection to serve the project shall be required for each subsequent phase.
- c. Fire - Verification from the appropriate entity regarding the existence of adequate fire protection to serve the project shall be required for each subsequent phase.
- d. Health Care - Verification from the appropriate entity regarding the existence of adequate emergency medical service for the project shall be required for each subsequent phase.
- e. Open Space - Identification of the entity responsible for the operation and maintenance of open space areas shall be setforth in each subsequent phase.
- f. Energy - Verification of the availability of adequate electrical power to serve the project shall be required for each subsequent phase.
- g. Solid Waste - Identification of the appropriate entity and verification of the availability of adequate capacity to provide solid waste collection and disposal service to each subsequent phase shall be required.
- h. Traffic Impact
 - 1. The traffic impact area for the Tampa Bay Park of Commerce shall be as determined by the analysis of project traffic to the point where project traffic is less than 4.5% of daily LOS C, D at peak hours and a traffic impact analysis shall be submitted as part of each AIDA and the ADA. The applicant shall employ the traffic link analysis and intersection analysis as determined in subsequent preapplication meetings for each AIDA. The traffic impact analysis for each increment and the ADA shall be governed by the following constraints:

gre: to a Level of Service C daily or D peak hour capacity, an analysis shall be performed to indicate the appropriate improvement; and

- o Should the development generate traffic consuming five percent or more of the daily LOS C capacity or five percent of LOS D peak hour capacity of regionally significant facilities, then needed modifications to mitigate the project's impacts shall be contained in the traffic impact analysis.

The links and intersections which shall be analysed in subsequent phase AIDA's as set forth in the Clearinghouse Review Committee preapplication reports for each AIDA.

2. The above-mentioned revised and updated traffic analysis shall be submitted and reviewed pursuant to Section 380.06, F.S., prior to any approval of subsequent Increments of this development and any further approval shall stipulate that funding commitments from the responsible entities for the required roadway improvements or those identified in the updated analysis as necessary to mitigate the development's traffic impact in excess of five percent of the LOS C daily, D peak hour be secured by the developer or the developer make a fair share contribution prior to any development. Without funding commitments for the improvements identified in the updated analysis, construction permits shall not be issued for each increment.
 - i. Wastewater - Assurance from the Florida Department of Environmental Regulation and Pinellas County that adequate wastewater treatment and effluent and sludge disposal capacity are available to serve each subsequent phase shall be required. This determination shall be based on the study to be conducted as set forth in subcondition IV C3 of this Order.
 - j. Hazardous Waste - Appropriate assurance of applicant responsibility regarding hazardous waste and material use, disposal, storage and transport shall be required.

V. SUBCONDITIONS OF INCREMENT I APPROVAL

Development of Increment I of Tampa Bay Park of Commerce is subject to the foregoing and following conditions:

A. Phasing Schedule

The development of Increment I shall be as proposed in Exhibit II.

B. Public Facilities

1. No building permits shall be issued without documented assurance from the Florida Department of Environmental Regulation, Pinellas County, and if applicable, the City of Oldsmar, that acceptable and sufficient wastewater treatment capabilities and sufficient effluent and sludge disposal facilities are available for any wastewater flows from Increment I. Any proposed change to the treatment plan as set forth in the AIDA shall be subject to determination whether it is a substantial deviation pursuant to Section 380.06, F.S.

2. All non-potable water for Increment I shall be supplied, to the extent feasible, by use of sewage effluent or stormwater. The entity(ies) responsible for operation and maintenance of the non-potable water supply shall be the developer, his successors, heirs or assignees.

C. Transportation

1. Prior to the issuance of building permits which will allow the developer, his successors, heirs, or assigns to exceed 250,000 square feet of the total 780,000 square feet in Increment I, of combined office and light industrial activity as expressed in the AIDA, the following improvements must be completed:

- a. Improve the US 19/SR 584 intersection as follows: Construct a free flow westbound to northbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 12.9 percent of the summation of critical movements of LOS D during the PM peak hour.
- b. Improve the McMullen-Booth Road (CR 593/SR 580) intersection as follows: Construct a shared northbound through and north bound-to-eastbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.7 percent of the summation of critical movements of LOS D during the PM peak hour.
- c. Improve the McMullen-Booth Road (CR 593) - East Lake Road (CR 77)/SR 584 intersection as follows: Construct an exclusive westbound-to-northbound right turn lane; modify existing signal phasing to accommodate protected southbound-to-eastbound left turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 11.8 percent of the summation of critical movements of LOS D during the PM peak hour.
- d. Improve the Gim Gong Road/SR 584 intersection as follows: Signalize when warranted; construct one eastbound and one westbound through lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 58.2 percent of the summation of critical movements of LOS D during the PM peak hour.
- e. Improve the Race Track Road-Lafayette Boulevard/SR 580 intersection as follows: Construct one additional westbound through lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.8 percent of the summation of critical movements of LOS D during the PM peak hour.
- f. Improve the Memorial Highway (CR 576)/SR 580 intersection as follows: Construct an exclusive southbound-to-westbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 7.3 percent of the summation of critical movements of LOS D during the PM peak hour.
- g. Improve the Race Track Road/Douglas Road intersection as follows: Signalize if warranted, at the end of Increment I. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 10.2 percent to the summation of critical movements of LOS D during the PM peak hour.
- h. Should the actual cost of improvements a through g exceed the Developer's fair share as indicated in Exhibit I, then the excess shall be reviewed for credit towards the Increment II fair share requirement.

2. The developer shall conduct a transportation study, prior to the issuance of building permits which will allow the developer, his successors, heirs, or assigns to exceed 250,000 square feet, which shall serve to affirm the findings of that study submitted as a portion of the AIDA. The study shall include trip generation, distribution, assignment, and impact analysis consistent with appropriate TBRPC policies. Upon completion, the study shall be submitted for review and approval by the TBRPC and Pinellas County. At minimum, the developer's impact on the following named facilities will be of particular concern:

- a. SR 584 from Curlew Road (SR 586) to Forest Lakes Boulevard (CR 233). Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 10.3 percent of the daily service volume of LOS C.
- b. SR 584 from Forest Lakes Boulevard (CR 233) to Gim Gong Road. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 16.3 percent of the daily service volume of LOS C.
- c. SR 584 from Gim Gong Road to SR 580. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 7.5 percent of the daily service volume of LOS C.
- d. SR 580 from Countryside Boulevard to McMullen-Booth Road (CR 593). Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.0 percent of the daily service volume of LOS C.
- e. The SR 580/SR 584 intersection. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 8.3 percent of the summation of critical movements of LOS D during the PM peak hour.
- f. An evaluation of the effectiveness of transit amenities provided by the applicant, his successors, or assigns and their impact on transit ridership of patrons and workers of the development.

3. If any of the aforementioned highway facilities are found to be operating below LOS C daily, LOS D during the peak hour, and the development traffic is equal to or greater than 5.0 percent of LOS C daily, LOS D peak hour service volume, the development order for Increment II must address these impacts. [No development of Increment II may commence until all transportation requirements for Increment I are completed as well as the AIDA for Increment

II.]

4. The developer, his successors, heirs or assigns shall monitor the external vehicle trips to determine the actual number of trips and directions (of) approach and departure. This information shall be included in the annual report of which the first shall be submitted after the issuance of certificates of occupancy for the first 100,000 square feet of development. The report shall include an annual assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the success of Transportation Systems Management (TSM) techniques, public transit activity, private paratransit, worker flextime, ridesharing and other appropriate measures. The report shall serve to affirm the findings of the original ADA, and will be submitted to the County and TBRPC for review and approval.

5. In addition to the above requirements, the report shall provide monitoring data which will be used to assess the overall level of service (LOS) and the development traffic's percentage of LOS D peak hour, or LOS C daily capacity at the intersection of SR 580/SR 584 and the SR 580 link from Countryside Boulevard to McMullen-Booth Road. If trips generated by the development are greater than the trips estimated in the AIDA and cause the development's contribution to exceed five percent of the LOS C daily volume, it may be necessary to increase the capacity of SR 580 from Countryside Boulevard to McMullen-Booth Road (CR 593) by constructing one additional eastbound and one additional westbound lane to create a four-lane divided section. If necessary, the developer, his successors, heirs or assigns may extend the build-out period for Increment I up to a maximum of three years beyond the completion year indicated in the AIDA.

D. Open Space

1. The Master Development Plan for Increment I shall provide for preservation or replacement, on a one for one basis, the conservation/preservation (C/P) areas set forth and described on Exhibit 16-S1 of the AMDA (revised March 18, 1985). Mitigation for the development of those areas shall occur elsewhere in Increment I or in the first subsequent Increment.

I, KARLEEN F. DeBLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears on file in the office of the Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, Pine County, Florida.
this 7th day of May 1985
KARLEEN F. DeBLAKER, Clerk of the Circuit Court Ex-Officio, Clerk to the Board of County Commissioners, Pine County, Florida.
By: *G. K. West* Deputy Clerk

EXHIBIT I

<u>Item No.</u>	<u>Improvement</u>	<u>TBPOC Contributions</u>
1.	SR 584 (SR 586 to Forest Lakes)	
2.	SR 584 (Forest Lakes to Gim Gong)	\$ 58,800 *
3.	SR 584 (Gim Gong to SR 580)	
4.	US 19 at SR 584	25,400
5.	McMullen-Booth at SR 580	46,000
6.	McMullen-Booth at SR 584	25,400
7.	Gim Gong at SR 584	50,900
8.	SR 580 at Race Track	125,250
9.	SR 580 at Memorial Highway	33,500
10.	Race Track at Douglas (if warranted)	30,000 **
11.	SR 580 at SR 584	n/a
12.	SR 580 (Countryside to McMullen)	<u>n/a</u>
	ESTIMATED TOTAL	\$ 395,250

* Funds to be used for preliminary engineering and design.

** If signalization at SR 580 and Douglas Road is not warranted by June, 1987, then this amount may be applied to Items 1, 2, or 3 or to complete items 4-9 if a shortfall has occurred.

EXHIBIT II

Phasing - 000's Square Feet of Space

	<u>I</u>	<u>II</u>		<u>III</u>	<u>IV</u>	<u>Total</u>
	<u>1985-1987</u>	<u>1987-1990</u>		<u>1990-1992</u>	<u>1992-1995</u>	
		<u>A*</u>	<u>B</u>			
Light Industrial/ Warehouse	600,	900,	700, ✓	800, ✓	1,000,	4,000,
Office	180,	90,	430,	270,	330, ✓	1,300,
Retail	0	0	25,	25,	0	50,

*Phase II A, as the second increment of development, will be limited to 900,000 sq. ft. of light industrial/warehouse and 90,000 sq. ft. of office space pursuant to the Alternative Review Agreement.

EXHIBIT II

Phasing - 000's Square Feet of Space

	<u>I</u>	<u>II</u>		<u>III</u>	<u>IV</u>	<u>Total</u>
	<u>1985-1987</u>	<u>1987-1990</u>		<u>1990-1992</u>	<u>1992-1995</u>	
		<u>A*</u>	<u>B</u>			
Light Industrial/ Warehouse	600,	900,	700, ✓	800, ✓	1,000,	4,000,
Office	180,	90,	430,	270,	330, ✓	1,300,
Retail	0	0	25,	25,	0	50,

*Phase II A, as the second increment of development, will be limited to 900,000 sq. ft. of light industrial/warehouse and 90,000 sq. ft. of office space pursuant to the Alternative Review Agreement.

A. Cypress Lakes I. trial Park Limited, hereinafter referred to as "Developer", submitted to Pinellas County, Florida, an Application for Master Development Approval, Application for Phase One Incremental Approval, and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the Application for Master Development Approval, Application for Phase One Incremental Approval, and sufficiency response and all other documents submitted.

B. The real property which is the subject of the application 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 located in 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 Pinellas County Administration, and the Tampa Bay Regional Planning Council.

II. CONCLUSIONS OF LAW

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

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

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

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

B. In considering whether the development should be approved subject to conditions, restrictions and limitations, Pinellas County has considered the criteria stated in subsection 380.06 (13), Florida Statutes.

C. The review by Pinellas County, 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 Master Development Approval and the Application for Phase One Incremental Development Approval are approved subject to all terms and conditions of this Development Order.

III. GENERAL PROVISIONS

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

B. All provisions contained within the application 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 Pinellas County in response to the Application for Master Development Approval and the Application for Phase One Incremental Development Approval for the Tampa Bay Park of Commerce Master Development of Regional Impact.

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

E. The term County, in various required conditions of approval, shall include the City of Oldsmar where the context may require.

F. 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.

G. 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.

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

I. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Tampa Bay Park of Commerce 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, or any other affected Governmental agency, 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.

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

K. The County Administrator of Pinellas 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 the TBRPC or any Pinellas County department or agency having particular responsibility over the area of 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. The County Administrator shall issue a notice of such noncompliance to the Developer and if the deviation is not corrected within a reasonable amount of time the Administrator shall recommend that the Board of County Commissioners establish a hearing to consider such deviations and to take any action it deems necessary to insure compliance with this order including termination of any further Development.

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

3. A statement listing all applications of 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 or any portion of this Development Order or Increment.

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

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

O. This Order shall remain in effect for a period of twenty (20) years from the effective date hereof. Any development activity wherein plans have been submitted to the County for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the County Commission on the finding of excusable delay in any proposed development activity.

P. Upon adoption, the Development Order shall be transmitted by the Clerk by certified mail, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

Q. Any revisions to the Development Order not addressed herein shall be subject to review by TBRPC including the payment of any applicable incremental review fee.

IV. SUBCONDITIONS OF MASTER DEVELOPMENT APPROVAL

A. Phasing Schedule

The development of the project in accordance with the proposed phasing schedule attached hereto as Exhibit II is an integral part of the Development Order conditions. It is the intent of this Order to insure that

all prerequisites for each increment of the project are completed with. For purposes of this Order, an Increment shall be considered complete upon issuance of the final certificate of occupancy for the Increment. 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 Section 380.06, Florida Statutes.

No building permits shall be issued for commercial or industrial construction within the area subject to this Order until an AIDA has also been finally approved covering the particular area involved. It is recognized, however, that Increment I has been approved pursuant to this Order.

B. Stormwater System/Drainage

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

- a. 30 to 50 percent of the surface area of the detention pond at the normal water level (NWL) should consist of a shallow all vegetated littoral shelf.
- b. The littoral shelf can be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf can be established on a shallow submerged island in the middle of the pond.
- c. A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.
- d. The littoral shelf, if located along the pond bank, should have side slopes no greater than 4:1 with the top of the shelf NWL and sloping to a depth of three feet or less.
- e. The littoral shelf shall be vegetated with a diverse group of native species which can include "Sagittaria, pickerelweed, Juncus, water lilies, cypress," etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more natural appearance.
- f. A copy of an operation and maintenance schedule for the detention areas shall be prepared by the Developer and submitted to Tampa Bay Regional Planning Council. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need for removing dead vegetation. An annual update of the operation and maintenance schedule showing compliance with its terms shall be included in the annual report.

- g. The master drainage system shall comply with the Department of Environmental Regulation Stormwater Rule, Chapter 17-25, Florida Administrative Code.
- h. The total of all site plans and development shall be in accordance with the impervious surface stipulation of forty (40) percent coverage, calculated on a basis of forty (40) percent of the gross acreage of the entire project. If this provision conflicts with other sections of this Order, this provision shall govern the amount and location of the development.

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

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

3. The elevation for all habitable structures shall be at or above the 100-year base flood elevation as required by the Federal Flood Insurance Program.

C. Public Facilities

1. Prior to issuance of approval for each Increment of the development, the Developer shall provide to Pinellas County verification that adequate police, fire service and emergency medical service facilities are available to serve the described Increment.

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

3. Any Incremental approvals of this development past Increment I shall be preceded by preparation by the developer of a wastewater treatment plan for Tampa Bay Park of Commerce and review of said plan by DER and TBRPC. Said plan shall be prepared in cooperation with Pinellas County and the Department of Environmental Regulation and shall include, at minimum:

- Identification of the existing and available treatment capacity;
- Identification of existing effluent disposal capacity;
- Identification of existing sludge disposal capacity;
- Assessment of the amounts of wastewater expected to be generated by Tampa Bay Park of Commerce and other development expected to utilize the same wastewater treatment plant;
- Identification of infrastructure improvements necessary to provide wastewater treatment;

- Identification of the effluent and sludge disposal methods and sites to be utilized.
- Identification of the entities responsible for infrastructure improvements;
- Identification of an implementation schedule;
- Provisions providing for Department of Environmental Regulation review and comments.

4. Applications for subsequent incremental approvals shall propose water conservation measures to be utilized within this development, such as a secondary "gray water" system. At minimum, nonpotable water for landscape use shall be provided from on-site shallow wells, sewage effluent or stormwater runoff. The entity responsible for operation and long term maintenance of these measures shall be set forth in subsequent Development Order amendments.

5. Applications for subsequent incremental approvals shall demonstrate that the proposed development is consistent with the Draft Wasteload Allocation Study for Tampa Bay or with the completed Wasteload Allocation Study for Tampa Bay, if available.

6. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction. Approval shall be obtained from all appropriate local and State agencies.

7. The County will provide water service to Tampa Bay Park of Commerce on the following terms and conditions:

- a. The Developer shall design, construct and install, in accordance with prevailing County design criteria and subject to prior County inspection and approval, all on-site improvements required by the County to connect the development to the County water system. [On-site improvements shall be defined as all water and sanitary sewer facilities, including but not limited to all lines, mains, equipment, improvements, easements, rights-of-way or utilities, located within the development including all water mains, up to and including water meters].
- b. After County inspection and approval, the Developer shall convey to the County by instruments acceptable to the County, said on-site improvements for water and sanitary sewer. In addition, the Developer, at its own expense, shall acquire and convey to the County necessary and reasonable permits, rights-of-way, easements, property interests, or things specified by the County to provide the development with a working water system. Upon inspection and acceptance of said facilities, permits, easements, rights-of-way, property, interests or things, the County shall operate and maintain said facilities and improvements as part of the County's utility system and subject to the County's ordinances.
- c. Excess infrastructure capacity required to serve Increments II, III and IV shall be at the Developer's risk and development of Increment I shall not, as to the need for infrastructure for each phase, vest Increment II, III or IV development rights for each Increment.

D. Open Space

1. The Developer, his assigned agent or successor shall be responsible for the maintenance of all open space/recreational areas and landscaped areas within each increment of the development.
2. Those portions of the stormwater drainage system and retention and detention ponds not dedicated to Pinellas County shall remain the responsibility of the Developer, his assigned agent, or his successor.
3. The Developer or successor shall undertake parking lot sweeping as a routine maintenance function.
4. The Developer or successor shall be responsible for the operation and maintenance of all on-site wells and landscape irrigation systems. The developer shall be required to utilize either shallow on-site wells, pumping from retention areas, or acceptance of non-potable water for open space and landscape irrigation.

E. Wildlife

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

F. Hazardous Waste

Separate hazardous waste collection/transfer facilities within the project shall be provided by individual tenants based on deed restrictions. These areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Section 403.703(21), F.S., and listed in Title 40 CFR Part 261).

1. The applicant shall provide to all Tampa Bay Park of Commerce 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 specially-designated containers/areas;
 - b. Indicates the location of 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.

2. The applicant shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

G. Energy

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

H. Archaeological Resources

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

I. Air Quality

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

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

J. 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 those employees who, for security or administrative reasons, are in the buildings after an evacuation order is issued. The plan shall include the following elements:

1. Procedures calling for the closing of all buildings for the duration of the hurricane evacuation order.
2. Procedures for informing all employees of evacuation routes out of the flood prone area and measures to be followed in the same event.
3. Procedures mandating coordination with appropriate public authorities of building closings, security and safety measures, and evacuation plans.

The aforementioned plan shall be included in the first annual report submitted after occupancy of any portion or phase of the project.

K. Environmental Study

Prior to approval of further increments an environmental study shall be instituted for the northeast Pinellas-Southwest Pasco - northwest Hillsborough area with the City of Oldsmar, Hillsborough County, Hillsborough County Environmental Protection Commission, Pinellas County, Pasco County, Department of Environmental Regulation, Department of Natural Resources, Tampa Bay Regional Planning Council, other appropriate state agencies and developers in the study area. The study shall be commenced prior to issuance of a Development Order for Increment II and be completed prior to the issuance of any building permits for Increment III. If no governmental entity undertakes the above referenced study within the time limits set forth, the applicant shall not be denied development approval if it has provided the information required below for its 629 acres. The study shall include but not be limited to the following issues:

1. Definition of study areas boundaries
2. Inventory of natural resources and environmental features within the study area, such as surface waters, wellfields, groundwater resources and threatened and endangered species, prime and unique agricultural lands, and preservation/conservation areas
3. Identification of specific natural resources to be protected from the effects of urbanization/industrialization
4. Identification of specific growth management measures to be utilized to protect natural resources and/or mitigate impact from urbanization
5. Identification of opportunities for recreational use
6. Assessment of the impacts associated with public facility expansion, such as physical plant location and operating procedures
7. Formulation of program to promote public and private awareness
8. Identification of those actions necessary to be taken to implement the results of the study.

L. Transportation

1. Within one year of the effective date of this Order, the developer, his successors, heirs, or assigns shall submit a Transportation Systems Management (TSM) Plan for review and approval by Pinellas County who will solicit comments from TBRPC, Hillsborough County, the Cities of Clearwater, Safety Harbor, and Oldsmar, the Hillsborough Area Regional Transit Authority, the Pinellas-Suncoast Transit Authority, and the Florida Department of Transportation. The plan shall provide for sufficient TSM measures to divert a substantial percentage of total peak hour trips away from the peak traffic hours over and above those projected in the AIDA for each Increment. The plan shall be submitted to the reviewing agencies within one year of issuance of this Development Order and shall address:

- a. Worker flex-time;
- b. Worker ridesharing strategies;
- c. Provision of transit and service facilities and programs to increase transit ridership; or
- d. Other appropriate trip diversion measures.

2. Each annual report for this development after the issuance of certificates of occupancy for the first 100,000 square feet of office space or the equivalent thereof shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure.

If subsequent reports are not submitted, or if the subsequent reports indicate that a substantial percentage of the projected total trip diversions are not being met, Pinellas County shall conduct a substantial deviation determination pursuant to Sub-section 380.06(17), F.S. to determine if the Development Order should be amended to change TSM objectives and/or require additional or fewer roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

M. Subsequent Increment Review

1. Within seven (7) years of this Order, Developer shall submit an ADA to TBRPC and the County for review pursuant to Section 380.06, Florida Statutes. The ADA shall address all regional impacts on a cumulative basis including regional impacts reviewed in any AIDA. Prior approval of any AIDA shall not prejudice approval or denial of the ADA. Developer shall have an opportunity to request elimination of ADA questions and identification of critical or significant regional issues associated with ADA review. The basis for TBRPC recommending denial of the ADA shall be as provided in AIDA review and Chapter 380, Florida Statutes.

2. The AIDA for Increment II shall be filed with Pinellas County and the TBRPC and reviewing agencies no later than two years after the effective date of this Order. Failure to file the AIDA for Increment II within two years shall require that TBRPC reassess the regional issues associated with each phase and add or delete regional issues as appropriate.

3. The Increment (AIDA) and ADA reviews shall be conducted pursuant to Section 380.06, F.S., except that AIDA approvals may be accorded as separate amendments to the MDO, as specified in the Alternative Review Agreement. In all appropriate AIDA's, the Developer shall respond to general questions 1-12 as required in the ADA Questionnaire (Form DSP-BLWM-11-76).

4. The following regional issues have been sufficiently reviewed in the AMDA and, where appropriate, are subject to recommended conditions in this Order, and, pursuant to Paragraph 2.A. (3) of the Alternative Review Agreement, shall not be the subject of further submission and review unless substantial changes in the conditions underlying approval of this Order is shown to have been based on substantially inaccurate information:

- a. Air Quality;
- b. Floodplain;
- c. Vegetation and Wildlife - Threatened or Endangered Species;
- d. Historical and Archaeological Sites;
- e. Economic Impact

5. It was previously agreed and documented in the preapplication report that the following Regional issues/ADA questions be eliminated from the AMDA, AIDA and ADA:

- 2 (f) Parks and Recreation;
- 4 (a) Aging and Handicapped;
- 4 (a) Education and Cultural Services'
- 6 Housing and Community Development;
- 7 (b) Parks and Attractions; and
- 7 (c) Residential.

6. The following regional issues have not been sufficiently reviewed in the AMDA and, pursuant to Paragraphs 2.A.(4) and 2.A.(6) of the Alternative Review Agreement, shall be the subject of further submission and review, and may be cause for denial of each subsequent AIDA and the ADA. All subconditions of Master Development Approval shall apply to each AIDA and the ADA where the context may apply.

- a. Water Supply - Verification from Pinellas County regarding the existence of an adequate water supply to serve the project shall be required for each subsequent phase.
- b. Police - Verification from the appropriate entity regarding the existence of adequate police protection to serve the project shall be required for each subsequent phase.
- c. Fire - Verification from the appropriate entity regarding the existence of adequate fire protection to serve the project shall be required for each subsequent phase.
- d. Health Care - Verification from the appropriate entity regarding the existence of adequate emergency medical service for the project shall be required for each subsequent phase.
- e. Open Space - Identification of the entity responsible for the operation and maintenance of open space areas shall be setforth in each subsequent phase.
- f. Energy - Verification of the availability of adequate electrical power to serve the project shall be required for each subsequent phase.
- g. Solid Waste - Identification of the appropriate entity and verification of the availability of adequate capacity to provide solid waste collection and disposal service to each subsequent phase shall be required.
- h. Traffic Impact
 - 1. The traffic impact area for the Tampa Bay Park of Commerce shall be as determined by the analysis of project traffic to the point where project traffic is less than 4.5% of daily LOS C, D at peak hours and a traffic impact analysis shall be submitted as part of each AIDA and the ADA. The applicant shall employ the traffic link analysis and intersection analysis as determined in subsequent preapplication meetings for each AIDA. The traffic impact analysis for each increment and the ADA shall be governed by the following constraints:

greater to a Level of Service C daily or D peak hour capacity, an analysis shall be performed to indicate the appropriate improvement; and

- o Should the development generate traffic consuming five percent or more of the daily LOS C capacity or five percent of LOS D peak hour capacity of regionally significant facilities, then needed modifications to mitigate the project's impacts shall be contained in the traffic impact analysis.

The links and intersections which shall be analysed in subsequent phase AIDA's as set forth in the Clearinghouse Review Committee preapplication reports for each AIDA.

2. The above-mentioned revised and updated traffic analysis shall be submitted and reviewed pursuant to Section 380.06, F.S., prior to any approval of subsequent Increments of this development and any further approval shall stipulate that funding commitments from the responsible entities for the required roadway improvements or those identified in the updated analysis as necessary to mitigate the development's traffic impact in excess of five percent of the LOS C daily, D peak hour be secured by the developer or the developer make a fair share contribution prior to any development. Without funding commitments for the improvements identified in the updated analysis, construction permits shall not be issued for each increment.
 - i. Wastewater - Assurance from the Florida Department of Environmental Regulation and Pinellas County that adequate wastewater treatment and effluent and sludge disposal capacity are available to serve each subsequent phase shall be required. This determination shall be based on the study to be conducted as set forth in subcondition IV C3 of this Order.
 - j. Hazardous Waste - Appropriate assurance of applicant responsibility regarding hazardous waste and material use, disposal, storage and transport shall be required.

V. SUBCONDITIONS OF INCREMENT I APPROVAL

Development of Increment I of Tampa Bay Park of Commerce is subject to the foregoing and following conditions:

A. Phasing Schedule

The development of Increment I shall be as proposed in Exhibit II.

B. Public Facilities

1. No building permits shall be issued without documented assurance from the Florida Department of Environmental Regulation, Pinellas County, and if applicable, the City of Oldsmar, that acceptable and sufficient wastewater treatment capabilities and sufficient effluent and sludge disposal facilities are available for any wastewater flows from Increment I. Any proposed change to the treatment plan as set forth in the AIDA shall be subject to determination whether it is a substantial deviation pursuant to Section 380.06, F.S.

2. All non-potable water for Increment I shall be supplied, to the extent feasible, by use of sewage effluent or stormwater. The entity(ies) responsible for operation and maintenance of the non-potable water supply shall be the developer, his successors, heirs or assignees.

C. Transportation

1. Prior to the issuance of building permits which will allow the developer, his successors, heirs, or assigns to exceed 250,000 square feet of the total 780,000 square feet in Increment I, of combined office and light industrial activity as expressed in the AIDA, the following improvements must be completed:

- a. Improve the US 19/SR 584 intersection as follows: Construct a free flow westbound to northbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 12.9 percent of the summation of critical movements of LOS D during the PM peak hour.
- b. Improve the McMullen-Booth Road (CR 593/SR 580) intersection as follows: Construct a shared northbound through and north bound-to-eastbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.7 percent of the summation of critical movements of LOS D during the PM peak hour.
- c. Improve the McMullen-Booth Road (CR 593) - East Lake Road (CR 77)/SR 584 intersection as follows: Construct an exclusive westbound-to-northbound right turn lane; modify existing signal phasing to accommodate protected southbound-to-eastbound left turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 11.8 percent of the summation of critical movements of LOS D during the PM peak hour.
- d. Improve the Gim Gong Road/SR 584 intersection as follows: Signalize when warranted; construct one eastbound and one westbound through lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 58.2 percent of the summation of critical movements of LOS D during the PM peak hour.
- e. Improve the Race Track Road-Lafayette Boulevard/SR 580 intersection as follows: Construct one additional westbound through lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.8 percent of the summation of critical movements of LOS D during the PM peak hour.
- f. Improve the Memorial Highway (CR 576)/SR 580 intersection as follows: Construct an exclusive southbound-to-westbound right turn lane. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 7.3 percent of the summation of critical movements of LOS D during the PM peak hour.
- g. Improve the Race Track Road/Douglas Road intersection as follows: Signalize if warranted, at the end of Increment I. Traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 10.2 percent to the summation of critical movements of LOS D during the PM peak hour.
- h. Should the actual cost of improvements a through g exceed the Developer's fair share as indicated in Exhibit I, then the excess shall be reviewed for credit towards the Increment II fair share requirement.

2. The developer shall conduct a transportation study, prior to the issuance of building permits which will allow the developer, his successors, heirs, or assigns to exceed 250,000 square feet, which shall serve to affirm the findings of that study submitted as a portion of the AIDA. The study shall include trip generation, distribution, assignment, and impact analysis consistent with appropriate TBRPC policies. Upon completion, the study shall be submitted for review and approval by the TBRPC and Pinellas County. At minimum, the developer's impact on the following named facilities will be of particular concern:

- a. SR 584 from Curlew Road (SR 586) to Forest Lakes Boulevard (CR 233). Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 10.3 percent of the daily service volume of LOS C.
- b. SR 584 from Forest Lakes Boulevard (CR 233) to Gim Gong Road. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 16.3 percent of the daily service volume of LOS C.
- c. SR 584 from Gim Gong Road to SR 580. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 7.5 percent of the daily service volume of LOS C.
- d. SR 580 from Countryside Boulevard to McMullen-Booth Road (CR 593). Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 5.0 percent of the daily service volume of LOS C.
- e. The SR 580/SR 584 intersection. Based on information indicated in the AIDA, traffic generated by Increment I of Tampa Bay Park of Commerce will contribute 8.3 percent of the summation of critical movements of LOS D during the PM peak hour.
- f. An evaluation of the effectiveness of transit amenities provided by the applicant, his successors, or assigns and their impact on transit ridership of patrons and workers of the development.

3. If any of the aforementioned highway facilities are found to be operating below LOS C daily, LOS D during the peak hour, and the development traffic is equal to or greater than 5.0 percent of LOS C daily, LOS D peak hour service volume, the development order for Increment II must address these impacts. [No development of Increment II may commence until all transportation requirements for Increment I are completed as well as the AIDA for Increment II.]

4. The developer, his successors, heirs or assigns shall monitor the external vehicle trips to determine the actual number of trips and directions (of) approach and departure. This information shall be included in the annual report of which the first shall be submitted after the issuance of certificates of occupancy for the first 100,000 square feet of development. The report shall include an annual assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the success of Transportation Systems Management (TSM) techniques, public transit activity, private paratransit, worker flextime, ridesharing and other appropriate measures. The report shall serve to affirm the findings of the original ADA, and will be submitted to the County and TBRPC for review and approval.

5. In addition to the above requirements, the report shall provide monitoring data which will be used to assess the overall level of service (LOS) and the development traffic's percentage of LOS D peak hour, or LOS C daily capacity at the intersection of SR 580/SR 584 and the SR 580 link from Countryside Boulevard to McMullen-Booth Road. If trips generated by the development are greater than the trips estimated in the AIDA and cause the development's contribution to exceed five percent of the LOS C daily volume, it may be necessary to increase the capacity of SR 580 from Countryside Boulevard to McMullen-Booth Road (CR 593) by constructing one additional eastbound and one additional westbound lane to create a four-lane divided section. If necessary, the developer, his successors, heirs or assigns may extend the build-out period for Increment I up to a maximum of three years beyond the completion year indicated in the AIDA.

D. Open Space

1. The Master Development Plan for Increment I shall provide for preservation or replacement, on a one for one basis, the conservation/preservation (C/P) areas set forth and described on Exhibit 16-S1 of the AMDA (revised March 18, 1985). Mitigation for the development of those areas shall occur elsewhere in Increment I or in the first subsequent Increment.

I, KARLEEN F. DeBLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as the official filed in the office of the undersigned Clerk of the Circuit Court, Pinellas County, Florida.

this 7th day of May, 1985...

KARLEEN F. DeBLAKER, Clerk of the Circuit Court Ex-Officio Clerk to the Board of County Commissioners, Pinellas County, Florida.

By: G. A. West Deputy Clerk

EXHIBIT I

<u>Item No.</u>	<u>Improvement</u>	<u>TBPOC Contributions</u>
1.	SR 584 (SR 586 to Forest Lakes)	
2.	SR 584 (Forest Lakes to Gim Gong)	\$ 58,800 *
3.	SR 584 (Gim Gong to SR 580)	
4.	US 19 at SR 584	25,400
5.	McMullen-Booth at SR 580	46,000
6.	McMullen-Booth at SR 584	25,400
7.	Gim Gong at SR 584	50,900
8.	SR 580 at Race Track	125,250
9.	SR 580 at Memorial Highway	33,500
10.	Race Track at Douglas (if warranted)	30,000 **
11.	SR 580 at SR 584	n/a
12.	SR 580 (Countryside to McMullen)	<u>n/a</u>
	ESTIMATED TOTAL	\$ 395,250

* Funds to be used for preliminary engineering and design.

** If signalization at SR 580 and Douglas Road is not warranted by June, 1987, then this amount may be applied to Items 1, 2, or 3 or to complete items 4-9 if a shortfall has occurred.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA
DRI
DEVELOPMENT ORDER

Upon motion of Commissioner Chesnut, seconded by Commissioner Greer
and carried _____, the following Resolution was adopted this 7th day
of May, 1985,

WHEREAS, in July, 1984, Cypress Lakes Industrial Park Limited filed an
application for Master Development Approval (AMDA) of a development of
regional impact and an Application for Incremental Development Approval (AIDA)
with the Pinellas County Board of County Commissioners pursuant to the
provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said applications proposed construction of a mixed-use office/
research/warehouse/service center park located in northeast Pinellas County,
hereinafter referred to as CLIPL.

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

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

WHEREAS, the Board of County Commissioners has on the 7th day of May, 1985,
held a duly noticed public hearing on said application for development
approval and has heard and considered testimony and documents received
thereon; and,

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

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

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